DOCUMENT RESUME

ED 367 199 FL 800 733

TITLE Lessons on Rights and Responsibilities.
PUB DATE 92
NOTE 205p.
PUB TYPE Guides - Classroom Use - Teaching Guides (For Teacher) (052)

EDRS PRICE MF01/PC09 Plus Postage.
DESCRIPTORS *Adult Literacy; *Curriculum Design; English (Second Language); Instructional Materials; Lesson Plans; *Literacy Education; Tutors
IDENTIFIERS *Bill of Rights; Constitutional Amendments; *United States Constitution

ABSTRACT

In recognition of the needs of adults whose native languages are other than English or who possess minimal literacy skills in English, the National Commission on the Bicentennial of the U.S. Constitution and the Bill of Rights gave a grant to the Literacy Volunteers of Washington County, Rhode Island for tutors to develop lessons on the Bill of Rights specifically for adults with low levels of basic literacy skills. This curriculum guide is the result of those efforts. In addition to the basic objectives of developing such a curriculum, the ten particpating tutors shared the added objective of bringing their adult students to an understanding of how the rights, protections, and responsibilities that come from the Constitution and the Bill of Rights affect their own life, the lives of others, and the life of the community of which they are a part. Each of the lessons is developed around each of the Amendments and include language development activities and reading, writing, and discussion activities. Appended materials include the following: the time-line for colonial resistance against England, a list of states, a Bill of Responsibilities, a summary of Due Process, the Constitutional rights of juveniles under the due process clause of the 14th Amendment, and a bibliography. (Adjunct ERIC Clearinghouse on Literacy Education) (VWL)

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ED 367 199

Lessons On Rights and Responsibilities

We The People

PREPARED IN CELEBRATION OF THE BICENTENNIAL OF
THE BILL OF RIGHTS

BY TUTORS AND STUDENTS OF
LITERACY VOLUNTEERS OF AMERICA - WASHINGTON COUNTY
RHODE ISLAND

FUNDED BY THE NATIONAL COMMISSION ON THE BICENTENNIAL OF THE
U.S. CONSTITUTION AND THE BILL OF RIGHTS

1991 - 1992

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Overview of Lessons

OVERVIEW OF LESSONS ON RIGHTS AND RESPONSIBILITIES

Prologue

The Bicentennial Celebration - 1987 through 1991 - ended with observance of the Ratification of the Bill of Rights. This five year period saw many special and spectacular events throughout the nation. It also gave rise to an extraordinary educational effort which focused attention on the key role of the U.S. Constitution and its Bill of Rights in our national experience, past, present, and future. The legacy of that effort, in the form of outstanding scholarly writings, texts, films, and television programs, will enlighten teachers and students for decades to come as together they ponder the ways in which this unique and enduring document has affected, and will continue to affect, the progress of American democracy and its people.

Rights

One major theme has been sounded over and over through those educational materials. It is that Americans define themselves as a people committed to equal rights under the Constitution for each individual and to civic responsibilities which balance those rights. This is the fundamental vision for all who live under a government of the people, by the people and for the people. Yet there are many among us, unhappily, whose lack of reading skills and minimal knowledge of English bar them from understanding and exercising the rights and protections the Constitution and its Amendments afford, and bar them also from learning about and fulfilling the basic responsibilities which empower them for effective participation in their community's life.

For those who are especially concerned with teaching such adults this creates a very particular responsibility and opportunity. We need to make a concentrated effort to provide them with information about both their constitutional rights and their civic responsibilities, but to do that in ways that make rights and responsibilities meaningful because they are related directly to their personal experiences and their current life situation. With minimal language proficiencies and, in the case of foreigners, often with an enormous cultural chasm between homeland and their new American community, these adults have almost no access to the abstract generalizations about rights and responsibilities described by traditional texts. Even the outstanding writings and programs produced during the Bicentennial Celebration, thorough and imaginative as they are, do not address the real need for personal relevance which builds understanding in the mind and heart of person who can not read or understand English.

Objectives

Recognizing the needs of these people, the National Commission on the Bicentennial of the U.S. Constitution and the Bill of Rights, which funded many of the excellent materials produced during the Bicentennial, gave a grant in 1991 to the Literacy Volunteers of Washington County, Rhode Island, to enable its tutors to develop lessons on the Bill of Rights specifically for adults with low levels of basic literacy skills. This curriculum on RIGHTS AND RESPONSIBILITIES HERE AND NOW is the result. Some of the volunteer tutors who contributed to the project worked one-on-one with native adults whose reading levels are below sixth grade. Several other tutors worked with immigrants for whom English is a new language. For all these tutors the objectives were the same as those shared by Literacy Volunteers of America tutors everywhere: to help their adult student to improve their skill for

- reading, writing and comprehending the language;
- speaking and understanding English as a new language;
- learning to use printed and recorded material so they can continue to learn independently.

For this Project, however, the ten participating tutors shared an added special objective: to bring their adult student to an understanding of how the rights, protections and responsibilities that come from the Constitution and its Bill of Rights affect their own life, the lives of others, and the life of the community of which they are a part.

Learning Situation

Several circumstances which pertain to tutoring adults in Literacy Programs have helped to determine the format of the Lessons. First, the students themselves are also volunteers. They study because they recognize the need to improve their skills, but they don't have to and at times families or jobs take precedence. A second circumstance is the limitation of time because the tutoring is generally done for only one or two hours a week. That is not much time in which to absorb substantive information and to practice new skills, even in a one-on-one situation. Between tutoring sessions many adult learners are too preoccupied with daily responsibilities to think about what was discussed in the last lesson, much less to do homework. Third, an adult student will often bring to a session a question or concern unrelated to the tutor's planned lesson. In such a situation the tutor is best advised to treat the question or concerns as the lesson for that day. That means study of rights and responsibilities may be put off and resumed later when the student is ready to focus again on what may seem to him/her a less urgent topic. For all these reasons, each of the Lessons in this curriculum may stand alone, or be part of an interruptible sequence which can be presented during a number of separate meetings. Teaching under those circumstances is different from instructing school-age students in a course with a prescribed daily curriculum.

Adult learners in Literacy Programs are different from students in school in other ways. Often their life experiences have been severely limited because of their functional illiteracy. Furthermore, many are older people whose habits and coping skills have never included reading or writing. These are obstacles to exploring a new topic, especially one that seems abstract and far removed from their daily concerns.

Many Americans who come to literacy tutors for help with basic skills are citizens, but they have never grasped the fact that the Constitution and the Bill of Rights are fundamental to principles, priorities and practices in every aspect of American life. Most of them left school at grades below which the Constitution and the Bill of Rights are taught (usually in the 7th or 8th grades). Or, even if they completed the 8th grade, their reading level was too low for them to understand that the Constitution is meant for them. Furthermore, the usual school textbook presentation about the Bill of Rights seldom related the specific rights and protections to personal experiences and everyday events. Therefore, they never saw that the evolution of individual rights from the time of Magna Carta in 1215 to the present is a drama of small groups of people, or even a single person, doing battle against arbitrary or capricious government.

Objectives

Because, as school children they had not understood that personal, human side of their American heritage of rights and protections, as adults they need to be made aware of those connections. More to the point, as adults with jobs and families, they may one day find themselves in situations where, if they are ignorant of their rights, they put themselves and others who depend on them at risk. Furthermore, on the positive side, whatever these adults learn about their legal rights, their constitutional protections, and their civic responsibilities will enhance their confidence and their pride because they will feel competent to exercise in a meaningful way rights and responsibilities that are a unique part of our common American heritage.

There are two groups of adult learners for whom these Lessons may be especially useful. It is not uncommon that working with a literacy tutor will be a student's first step toward taking a High School Equivalency exam. It is a long, difficult road for a person who begins with minimal language skills, but it does happen. And most definitely for such students the information about American History, the Constitution and the Bill of Rights covered in these Lessons is sound preparation for that exam.

For immigrants also they may be particularly helpful. Many will progress from learning English as a new language to preparation for the citizenship exam. For them knowledge about the Constitution and the Bill of Rights is a "must". For those who do not take the citizenship exam, learning about rights and responsibilities in an American community is still an important coping skill. Further, it may introduce them to concepts about government and citizenship which are quite different from those of their homeland. As one Bicentennial Project tutor put it : "If they remain in the USA, they will need to know their rights, protections, and responsibilities if they are to play a confident and informed role in their communities. If, on the other hand, they return to their homelands, and those are places where rights are limited or nonexistent, they will carry with them knowledge of a system of government in which there is reasonable protection for individuals and to which individuals can give shape."
(from Journal of Thomas Smith, tutor of students from China, Taiwan, Malaysia and Portugal)

Strategies

For those two groups of students, therefore, the Bill of Rights is full of special interest and relevance. For all adult learners, however, it is valuable also as a tool for language development. The Lessons that follow offer a wide range of resources, exercises and activities which were created and tested by the tutors in this Bicentennial Project. Some strategies are old stand-bys: word lists, exercises on parts of speech, syntax, sentence structure, word games and brief readings. Others are less tradional but proved to be effective for making rights and responsibilities "come alive" as well as developing language skills. Visuals - pictures that tell a story, and "story maps" that show connections - are important strategies for initiating discussions which put rights and responsibilities into the context of real life situations. Talking about a picture leads to vocabulary building and to writing, as well as to shared and independent reading. Verbalizing also stimulates thought-provoking connections between facts and abstractions or generalizations, and between one person's life and the wider community.

An even more effective strategy for stimulating skill development and for showing rights and responsibilities in action has been the series of visits to community sites described in the Lessons. Such sites included the local newspaper, a radio station, the Municipal Court, Police Station, Town Hall, and a church where the minister had gathered a display of artifacts from other religious groups in the area. Interviews supplemented site visits. For example, the tutors and students talked with a judge, with police, with an attorney, an editor of the newspaper, town and state elected officials, and the Registrar of Voters. Visits and interviews were preceded by work on relevant vocabulary, on questions that might be asked or issues discussed, and on the applicable Amendments in the Bill of Rights. Once at the site or the interview, tutors and students listened to people describe specific rights and responsibilities involved in their jobs, asked their questions, and took advantage of the opportunity to discuss with knowledgeable public officials issues that concerned them. For many, tutors as well as students, these were the first occasions they had had to learn first hand how constitutional requirements informed the judgements and regulated the decisions about actions for public officials whose work is vital for the community.

Follow-up activities led to writings in journals kept by both tutors and students, to more discussions, and to new attention to local newspaper reports about events or people met during the visits or the interviews.

To use community visits and interviews effectively as a teaching strategy, it is recommended that a tutor, or group of tutors, go through a preliminary visit or interview before taking students. The professional people at the site need some background on what kind of students they will be talking with, what are their special interests, and what sort of presentation will best accomplish the goal of the visit. That, quite simply, is for the students to see specific rights and responsibilities practiced in a specific situation, but the ways of accomplishing that may vary in details from place to place. Some public officials, knowing the visitors are adults, may overwhelm them with sample forms or complicated hand-outs which are far beyond the vocabulary skills of the students. Others, with the best of intentions, may give a lecture on what they do as if they were talking to a class of trainees. Neither approach will meet the needs of the students, and both can be avoided by having tutors go through a "trial run" before bringing students. At the least that can give tutors an opportunity to learn the information so they can prepare their students. At best, it will be used as an opportunity to explain to the professionals what the students need to see and learn through the experience. The most beneficial results come when the public official allows, even encourages, student questions, reactions, and discussion.

Skills

Other recommendations are offered by the Project tutors to any who wish to use the Bill of Rights as a vehicle for teaching adults. One suggests that the Bill is an excellent example of the English language: it is brief, correct in sentence structure and syntax, and rich in matters that concern the student. In short, "it is superior in language and in substance to the Dick and Jane, Summer Vacation reading matter too often offered to adults with low reading levels."

The tutors also recommend some specific skills that are helpful when studying the Bill of Rights. The ability to use a home-language-to-English dictionary is needed for foreign-speaking students, for instance, and for

Americans, a regular basic dictionary. It is also helpful if a student is reasonably skillful with words and phrases commonly used at home and at work, as well as somewhat familiar with fundamental vocabulary relating to government and public affairs. Having some information about the functions of local, state and federal government provides a good basis for understanding the actions of public officials. Fully as important, however, are a student's own experiences with government and public officials, and an awareness that relationships and activities of people in the community are important to him/her. An adult who is struggling to learn basic skills and information needs to have a strong sense that what is gained from the efforts will bring significant benefits to their daily life.

Responsibilities

Skills with words are helpful when a tutor and student decide to study the clauses in the Bill of Rights, but other skills come into play when they explore issues of responsibilities. The word "responsibilities" appears nowhere in the Constitution nor in any of the Amendments, but responsibilities are defined in other ways that make them equally binding on all of us. Some are written down as clearly as are the rights in the Amendments. It is written in the law that people must pay taxes, that parents must send their children to school, that an adult must answer a court subpoena or a call to serve on a jury, for examples. The responsibility to vote, however, is not one of those. No citizen is required by law to cast a ballot in an election, but our democratic system is weakened if citizens fail to inform themselves on issues and candidates on the ballot and vote when the time comes.

It is a challenge to explain to a foreigner that a civic responsibility like voting is protected by law, but is not required. If the person comes from a country where the law required all adults to vote and it is enforced by penalties, how loose the American concept of that public responsibility must seem! If a student comes from a country where no meaningful vote is allowed, however, then how privileged Americans seem to be able to exercise that right by choice, and how inexplicable it is that many of them fail to do their part in making democracy work.

Other responsibilities flow clearly from rights in the Amendments, and often have been defined by memorable phrases. The right to free speech, for example, clearly does not give anyone the right to "shout 'fire' in a crowded theater" when there is no fire. Less clear is the line between one person's right to privacy and the right and responsibility of the press to tell the public what it knows. Sometimes the line between rights and responsibilities, or between two rights in conflict with each other, is a matter of moral judgement, personal decision, even political debate. For example, where does respect for the rights of others begin if a person feels unequally treated? Where should tolerance for people who are different begin when their values oppose mine? What about my responsibility to be honest when the tax collector makes a mistake? Do I have an obligation to take care of myself and my family and then give as generously as I can to help others, while public welfare allows some people "to live off the taxpayer?"

As the Project developed, such issues led to provocative discussions among tutors and students and resulted in some of the best journal entries. Too often it is assumed that an adult who is a school drop-out, or is labelled "functionally illiterate", has neither interest nor competence for handling "complex", "abstract" concepts. In the experience of the tutors who created these Lessons, however, that is not true. Giving students an opportunity to discuss such issues of rights and responsibilities one-on-one with someone who listened was the starting point for exchanging information and expressing ideas. For many American students, sadly, that was an experience few had had before working with a Literacy Program tutor. For the foreign students, it was like opening a wide window into what makes their new community "tick", into a view rich with comparisons to homeland experiences. For all the learners having their stories and ideas listened to, talked about, even written for someone else to read was an ongoing source for enjoyment and building confidence. In the end it seemed that new perspectives on civic responsibilities were as important to the students in the Project as the knowledge of their constitutional rights and the progress made in their literacy skills.

Approaches

It is important to realize that there are several approaches to the study of rights and responsibilities. The obvious one is to begin by putting the Constitution and the Bill of Rights into a traditional historical context, then systematically addressing each of the Amendments in order over a minimum of twelve to sixteen weeks (assuming one or two hours of tutoring each week). This is the approach which is followed in the curriculum. The Lessons begin with the roots of our tradition of rights in Magna Carta, the Declaration of Independence and the Constitution. These are followed by separate Lessons on each of the first ten Amendments, the Civil War Amendments, and end with the voting rights Amendments. A more flexible approach, however, may work as well. This assumes that a tutor will use specific incidents in the media or in the student's experience and relate these to rights or protections in the Amendments, or to responsibilities, as the occasion presents itself.

The Lessons may be used either way, and perhaps the most effective approach is a combination of the two. Studying one topic may be followed by exploration of other matters of concern to the student. When something triggers renewed interest in issues of rights and responsibilities, tutor and student may pick up whichever Lesson is relevant. The focus, however, must remain on the dual purpose of each Lesson: to build knowledge about rights and responsibilities, along with the confidence that comes from exercising them with informed competence, and to build language skills.

We end this background material with a journal entry written by a young woman who came from Czechoslovakia in the spring of 1991 and became one of the Bicentennial Project students after only four months in America. Her words say it all for us.

"My Rights and Responsibilities Here and Now"
Maria Lamerova, ESL Student

I came into the United States of America from Czechoslovakia. Every state has other laws, rights, rules. I didn't know my rights in this society.

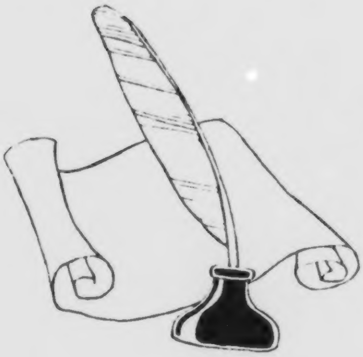
My Tutor of the Bicentennial Project began to teach me about "Bill of Rights". I appreciate this Project, because it helps me recognize the freedom of life and history of this country.

Now, I know all people of U.S. can practice the religion of their choice; all people can talk or write about anything they want. Every accused person must have a public trial in a court if the government says that he has broken a law. An accused person can have a lawyer, an impartial jury. If he/she goes to court, an accused person must receive a fair trial in court according to the laws.

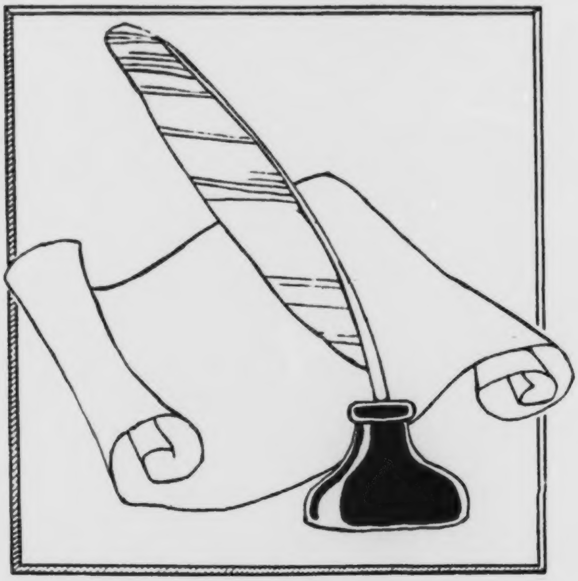
Now I know better the life in this town Westerly. I know where is the Town Hall, the court. Who are the people of Town Council, where is the registrar of vital deeds and the probates. I have the information about elections. I met a lot of interesting people.

In my opinion the Bicentennial Project has for me four important things. I know :
- What is "Bill of Rights"
- Life in Town and community
- History of United States
- Better learn English

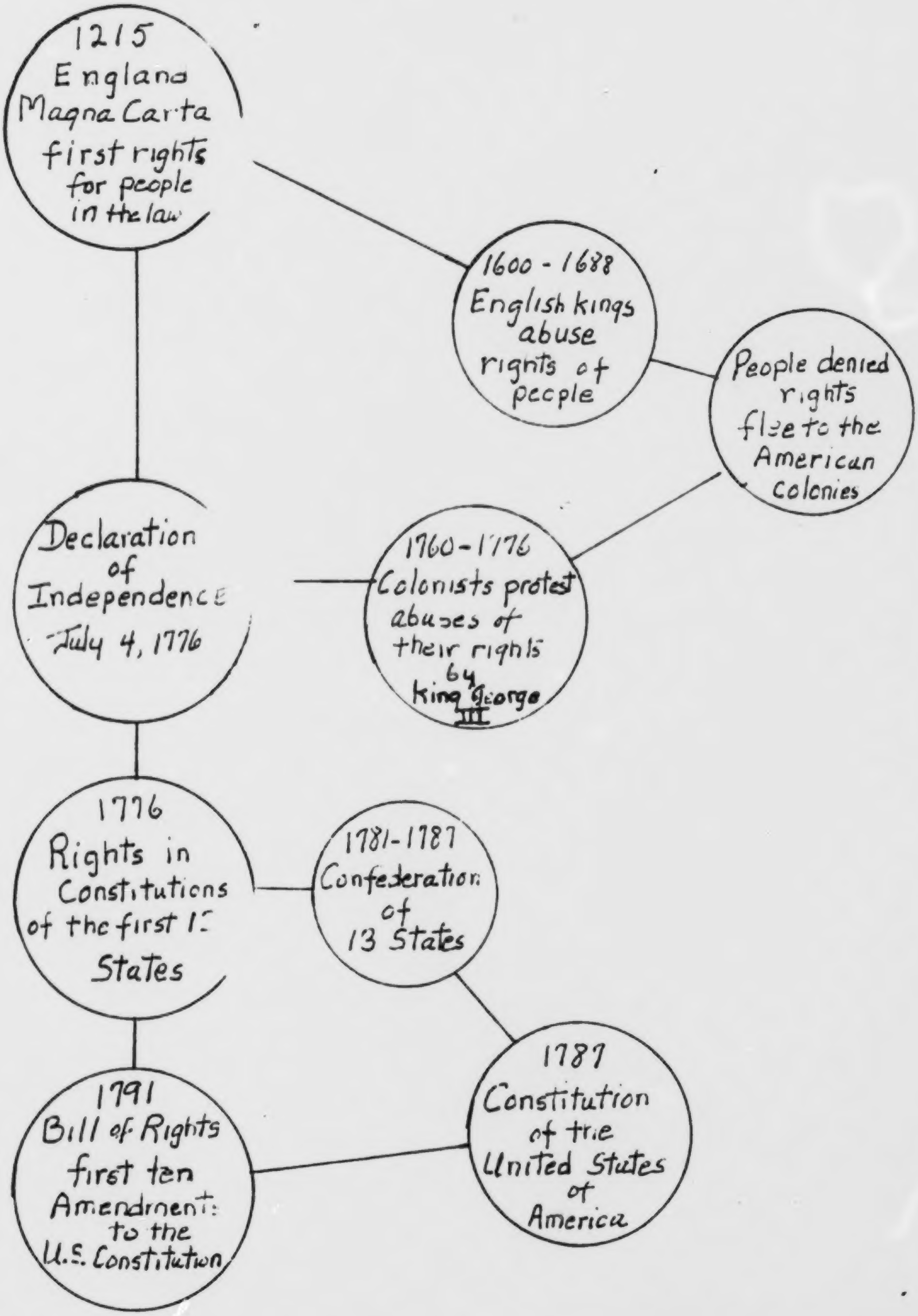
The knowledge about "Bill of Rights" increases my safety.



Finding Rights and Responsibilities in History



Rights in History


1215 England Magna Carta first rights for people in the law
1600 - 1688 English kings abuse rights of people
People denied rights flee to the American colonies
1760-1776 Colonists protest abuses of their rights by King George III
Declaration of Independence July 4, 1776
1776 Rights in Constitutions of the first 13 States
1781-1787 Confederation of 13 States
1787 Constitution of the United States of America
1791 Bill of Rights first ten Amendments to the U.S. Constitution

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FINDING RIGHTS AND RESPONSIBILITIES IN HISTORY

MAGNA CARTA - 1215 -- The Great Charter of England

Language Development Activities

- Begin by discussing the following basic words and concepts, relating them to experiences of the student at home, on the job, in the community. Identifying word families will help students to understand and remember key words.

Power - Discuss the distinction between the power of one person, the power of the boss in a workplace, power given by law to an official of the government, power to rule given by divine right.

abusing power - Discuss examples of this.

authority - authorize

charter

compact, or contract

declare, declaration

document

nobleman - In 1215, this meant a man born into the English aristocaracy. A nobleman usually inherited a large estate including land, great wealth, and his own soldiers.

represent - representative

responsibilities - responsible, respond, responsive

right - means something to which a person has a claim by law, by nature or by tradition

to respect - respectful

tyrant - tyrannical

- The words above are only a beginning. The student and tutor should work together on identifying new words and building a vocabulary list as the Lessons progress. Building word "families", repetition and review should be part of every session.

Shared reading about Magna Carta

- In 1215 (and for a long time after) kings believed that God gave them authority to rule their kingdom, so they had the power to do as they pleased. They could make any laws they wished just by saying "the King declares it to be so." All their subjects had to obey the King's laws or receive terrible punishments.

- In 1215 a group of forty noblemen in England gathered to protest many things King John was doing to them. They believed that when John became King they had a compact with him that they would obey him and that he had to respect their property and give them fair trials in his courts. According to that agreement each side had rights and had responsibilities.

- King John did not keep his side of the agreement however. For example, he sent his soldiers to take away land and property of the noblemen and did not pay them for it. He let his officials throw people into prison without telling them why, and he would keep them there without any trial for as long as he wished, even if they had committed no crime.

- When the noblemen met with King John in 1215, they brought many armed men with them. Then he realized how much power they had, so he signed a new compact with them. It was called "Magna Carta", or " The Great Charter". In it the King promised to stop doing those things which they said were not fair, and to establish new laws to protect their properties. The new compact stated the rights of the noblemen which the King had to respect. After he had signed Magna Carta, they agreed to obey him again.

- This was the first time in English history that the king's power to rule as he wished was limited by laws forced on him by the power of his subjects.

- In the years since 1215, whenever a new king or queen has come to rule England, he or she has promised to respect the rights given to their subjects in Magna Carta. Also judges in the English courts have used Magna Carta to guide their decisions in cases which involve private property and the rights to a fair trial promised for people accused of a crime. In that way Magna Carta has become part of English laws.

- Later, in the 1600's, the English people had to struggle against other kings to establish more rights which the king and his officials had to respect. Most of these were written into laws passed by Parliaments. A Parliament is like the America Congress, with representatives of voters meeting there to write laws which the king or queen and everyone else must obey. Many of those laws about rights are now in our America Bill of Rights.

Suggestions for discussion:

- What made King John realize he had to sign a new compact with the noblemen ? Why did they seem so powerful to him that he had to agree to limit his authority to rule as he wished? Can you think of similar situations today - in the news, in your family, in the workplace?

- What rights of the noblemen did the king agree to respect in Magna Carta?

- What responsibilities did King John agree to? What responsibilities did the noblemen agree to ?

- Can you think of other countries in which the rights of people are written into laws that their government must obey? Can you think of countries where the government has the power to do as it wishes, or where the laws set no limits on what government officials can do to people?

Writing activities

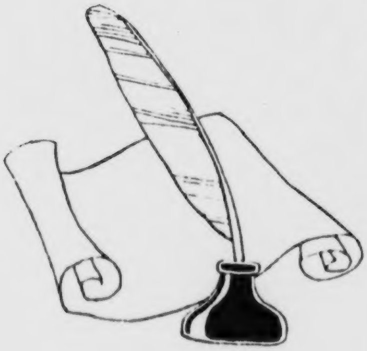
- Here are some phrases from Magna Carta which are still used today. Can the student write them in his/her own words and tell what they mean ?

  * "To no one will we sell, to no one will we deny or delay right or justice."

* "No man shall be imprisoned ... except by the judgement of his peers or by the law of the land."

* "Every man's house is his castle which none may enter except by his leave, or by the lawful means."

- On TV or in the newspaper has the student seen incidents which show rights of people that government officials must respect? An account of a trial in a newspaper, for example, could be used as a topic for writing about the right to a fair hearing.



DECLARATION OF INDEPENDENCE - 1776 - THE UNITED STATES OF AMERICA

Language Development Activities

- Review basic words and concepts listed on p.

- Review the main ideas in Magna Carta:
  - * People may protest when they believe the government does not treat them fairly.

  - * The government must obey the laws of the land, especially when its officials take away a person's property, or life, or put a person in prison.

  - * Responsibilities go with rights.

- If suggested writing activities were done, a review may include:

  - * student's definition of each new word

  - * a discussion of specific rights for people described in the phrases from Magna Carta

- New words
  colonies - colonist, colonial, to colonize
  Declaration - to declare, declarative
  Independence - independent, depend, dependent

Shared reading

(Many excellent books on the period of the American Revolution are available, and may be used with this section. Especially biographies of George Washington, Benjamin Franklin, Thomas Jefferson and James Madison are full of interest.

For adults with low reading skills, a Tutor may tape a short book. Then have the student listen to the tape as he/she follows the text.)

- During the 1760's the English people who lived in the American Colonies believed the King (George III) and the Parliament in London were not respecting the rights which had been given to them by laws and by traditions which went back to Magna Carta. For examples:

* the government forced them to pay new taxes on items like tea and sugar, but the colonists had no representatives in Parliament who could vote on those taxes. When people did not pay the taxes, the King's officials took their land and all their possessions.

* The King gave permission to his officials to break into any person's home or store and take away money, papers, possessions, or property whenever they suspected the person was not obeying the king's laws.

* The King moved his courts from the colonies back to England. Then anyone accused of crime, or not paying the king's taxes, had to go across the Atlantic Ocean to London for a trial.

- Finally, in 1776 many colonists were so angry about these and other abuses of power by the King and his officials, a group of them decided to protest by declaring the colonies should be independent of England. They believed they could create their own nation, and write a plan for governing it without a King or a Parliament like those in England.

- They rejected the idea that the authority to rule was given by God to a king. Instead, they said that people who live in a nation have the right to create their own government. They believed when a majority of the citizens give their consent to a government, that gives it the authority it needs to govern. They said the purpose of government is to protect the rights of all the people. If a government does not protect them, then the citizens have the right to change it. In 1776 those ideas about authority and government were altogether new, and had never been tried before anywhere in the world.

- Thomas Jefferson and other leaders of the movement for independence believed they had a responsibility to explain the reasons why people in the colonies wanted to declare their independence from England even if it meant going to war. They drew up a long list of ways the King of England had abused the rights of the colonists, and then set out their new ideas about government, authority and rights. Thomas Jefferson put all that together in the Declaration of Independence, and it was accepted by a majority of the delegates in the Second Continental

Congress. Those delegates were chosen in each of the 13 colonies, and together they voted on July 4, 1776, "These United Colonies are, and of right ought to be, Free and Independent States."

- The Preamble (opening sentences) of the Declaration set out the new ideas about what the rights of all people are:

> "all men are created equal, and ... are endowed (given) by their Creator with certain inalienable Rights (rights which no power on earth can take away), and among these are Life, Liberty and Property." (Jefferson later changed "property" to "pursuit of happiness".)

Jefferson and the others who wrote the Declaration went on to say, "to secure these Rights, governments are instituted (put in place) by Men, deriving their just powers from the consent of the governed."

They wrote down a long list of ways the King of England had abused the rights of the colonists, and said these proved the King had failed to protect the rights of the people. Therefore, they said, the colonists had the right to change their government.

- The Declaration of Independence led to a war with England which lasted from 1776 to 1781. When it ended with the victory of the American Army under General George Washington at Yorktown in Virginia, the 13 English colonies became 13 independent states.

Follow-up discussion

- Review the rights stated in the Declaration. Do you think they are important for people to have? Why? How do you feel about your life, liberty and property? Should the government have to follow careful rules written into law before taking any of those away from you?

- What do you think "pursuit of happiness" means?

- Are there other rights you would like to have protected from government officials by laws they had to obey?

- ESL - what rights for people are protected by laws in the homeland?

- Do you think Jefferson was thinking about any special responsibilities?

Homework suggested

- Can the student put the main ideas in the Declaration of Independence into his/her own words?

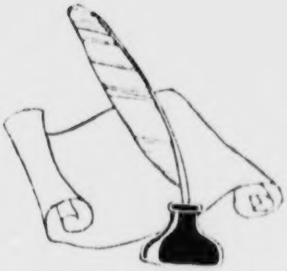
- Ask student to write about Jefferson's idea that all people are created equal.

ESL - is government and society in the homeland based on that idea?

- Has student ever felt like protesting something that the government is doing? Or what a government official has done to you or a friend? How would the student do that?

- Jefferson said people should be able to change their government if the majority believes it is not using its powers to protect the rights of the people. How can Americans do that?

ESL - can people in the homeland make changes in their government by peaceful, non-violent means?



RIGHTS FOR PEOPLE IN THE CONSTITUTIONS OF THE FIRST THIRTEEN STATES

This Section offers many parallels to what is happening in the former USSR. Newspaper articles and current magazines can be used to stimulate discussion, vocabulary-building, reading and writing. The first thirteen states are on the list of states on p.173 in the Appendix. They are set apart by a ****.

Language Development Activities

- Review new words added to the student's vocabulary and writing activities.

- Review main ideas from the Reading of the Declaration of Independence, and discuss connections to main ideas in Magna Carta.

- New words:

  Articles

  Confederation

  constitution - constitutional, constitute

  convention - convene

  denied - to deny, denial

Shared Reading

- As soon as independence from England was declared in 1776, each colony declared itself to be an independent state, no longer a part of England. Then the citizens in each state did what the Declartation told them they had the right to do: they created their own government. Those who could vote (the white men over 21 years of age who owned land) chose representatives to a State Convention (meeting) to draw up a Plan of Government for their state. That document became their State Constitution. Besides being a plan for governing their state, each Constitution included a list of the people's rights - a Bill of Rights - which the government of that state had to respect. Most of these were included in the Bill of Rights added to the federal Constitution in 1791. See the following chart of Rights in the State Constitutions which became part of the first ten Amendments.

At this point the tutor and student may want to "brainstorm" what it would be like to write a plan for governing a state:

*Develop a list of what government does and/or should do. Then divide the functions into:
- making laws
- having officials carry out, or enforce, the laws
- deciding whether laws have been broken, resolving disputes between people, deciding whether or not a law is constitutional, and deciding whether or not the government has deprived a person of a legal right.

* Discuss what rights or protections for people should be in A Bill of Rights.

- The new states found there were some things they could not do by themselves, so they agreed to do them together by signing a compact called the Articles of Confederation. Nothing was said about rights of the people in the Articles because everyone thought each state's Bill of Rights would protect them.

* The tutor and student could discuss what things states do together, such as fighting a war against a common enemy, working out disputes about boundaries, or trading with each other.

- This was a time of trial and error for the new states. The state constitutions worked pretty well for the people in each state. The joint government set up by the Articles of Confederation, however, did not. More and more disputes and problems between the states developed, so several leaders decided to try again to form a better plan for a national government. They met in Philadelpia in the summer of 1787, and in four months they succeeded in writing out a Constitution for the United States of America.

RIGHTS in the CONSTITUTIONS of the FIRST THIRTEEN STATES

Bill of Rights Guarantees	*First Constitutional Guaranty*	*Other Constitutional Guarantees.*
Establishment of religion	N.J. Const., Art. XIX	—
Free exercise of religion	Va. Decl. of Rights, S. 16	N.J. Const., Art. XVIII Pa. Dec. of Rights, Art. II Del. Dec. of Rights, s. 2 Md. Dec. of Rights, Art. XXXIII N.C. Dec. of Rights, Art. XIX Ga. Const., Art. LVI N.Y. Const., Art. XXXVIII Vt. Dec. of Rights, Art. III S.C. Const., Art. XXXVIII Mass. Dec. of Rights, Art. II N.H. Bill of Rights, Art. V
Free speech	Pa. Dec. of Rights, Art. XII	Vt. Dec. of Rights, Art. XIV
Free press	Va. Dec. of Rights, s. 12	Pa. Dec. of Rights, Art. XII Del. Dec. of Rights, s. 23 Md. Dec. of Rights, Art. XXXVIII N.C. Dec. of Rights, Art. XV Ga. Const., Art. LXI Vt. Dec. of Rights, Art. XIV S.C. Const., Art. XLIII Mass. Dec. of Rights, Art. XVI N.H. Bill of Rights, Art. XXII
Assembly	Pa. Dec. of Rights, Art. XVI	N.C. Dec. of Rights, Art. XVIII Mass. Dec. of Rights, Art. XIX N.H. Bill of Rights, Art. XXXII
Petition	Pa. Dec. of Rights, Art. XVI	Del. Dec. of Rights, s. 9 Md. Dec. of Rights, Art. XI Mass. Dec. of Rights, Art. XIX N.H. Bill of Rights, Art. XXXII
Right to bear arms	Pa. Dec. of Rights, Art. XIII	N.C. Dec. of Rights, Art. XVII Vt. Dec. of Rights, Art. XV Mass. Dec. of Rights, Art. XVII
Quartering soldiers	Del. Dec. of Rights, s. 21	Md. Dec. of Rights, XXVIII Mass. Dec. of Rights, Art. XXVIII N.H. Bill of Rights, Art. XXVII
Searches and seizures	Va. Dec. of Rights, s. 10	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 17 Md. Dec. of Rights, Art. XXHI N.C. Dec. of Rights, Art. X Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XIV N.H. Bill of Rights, Art. XIX
Grand jury indictment	N.C. Dec. of Rights, Art. VIII	—
Double jeopardy	N.H. Bill of Rights Art. XVI	—
Self-incrimination	Va. Dec. of Rights, s. 8	Del. Dec. of Rights, s. 15 N.C. Dec. of Rights, Art. VII Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XII N.H. Dec. of Rights, Art. XV
Due process	Va. Dec. of Rights, s. 8	Pa. Dec. of Rights, Art. IX N.C. Dec. of Rights, Art. XI Conn. Dec. of Rights, s. 2 N.Y. Const., Art. XIII Vt. Dec. of Rights, Art. X S.C. Const., Art. XLI Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XV
Just compensation	Vt. Dec. of Rights, Art. II	Mass. Dec. of Rights, Art. X
Speedy trial	Va. Dec. of Rights, s. 8	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14 Md. Dec. of Rights, Art. XIX Vt. Dec. of Rights, Art. X
Public trial	Pa. Dec. of Rights, Art. IX	Vt. Dec. of Rights, Art. X
Jury trial	Va. Dec. of Rights, s. 8	N.J. Const. Art. XXII Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14

Bill of Rights Guarantees	First Constitutional Guaranty	Other Constitutional Guarantees
		Md. Dec. of Rights, Art. XIX N.C. Dec. of Rights, Art. IX Ga. Const., Art. LXI N.Y. Const., Art. XLI Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XVI
Accusation	Va. Dec. of Rights, s. 8	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14 Md. Dec. of Rights, Art. XIX N.C. Dec. of Rights, Art. VII Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XV
Confrontation	Va. Dec. of Rights, s. 8	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14 Md. Dec. of Rights, Art. XIX N.C. Dec. of Rights, Art. VII Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XV
Witnesses	N.J. Const., Art. XVI	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14 Md. Dec. of Rights, Art. XIX Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XV
Counsel	N.J. Const., Art. XVI	Pa. Dec. of Rights, Art. IX Del. Dec. of Rights, s. 14 Md. Dec. of Rights, Art. XIX N.Y. Const., Art. XXXIV Vt. Dec. of Rights, Art. X Mass. Dec. of Rights, Art. XII N.H. Bill of Rights, Art. XV
Jury trial (civil)	Va. Dec. of Rights, s. 11	Pa. Dec. of Rights, Art. XI N.C. Dec. of Rights, Art. XIV Vt. Dec. of Rights, Art. XIII Mass. Dec. of Rights, Art. XV N.H. Bill of Rights, Art. XX

Bill of Rights Guarantees	First Constitutional Guaranty	Other Constitutional Guarantees
Bail	Va. Dec. of Rights, s. 9	Pa. Const., s. 29 Del. Dec. of Rights, s. 16 Md. Dec. of Rights, Art. XXII N.C. Dec. of Rights, Art. X Conn. Dec. of Rights, s. 2 Ga. Const., Art. LIX Mass. Dec. of Rights, Art. XXVI N.H. Bill of Rights, Art. XXXIII
Fines	Va. Dec. of Rights, s. 9	Pa. Const. s. 29 Del. Dec. of Rights, s. 16 Md. Dec. of Rights, Art. XXII N.C. Dec. of Rights, Art. X Ga. Const., Art. LIX Mass. Dec. of Rights, Art. XXVI N.H. Dec. of Rights, Art. XXXIII
Punishment	Va. Dec. of Rights, s. 9	Del. Dec. of Rights, s. 16 Md. Dec. of Rights, Art. XXII N.C. Dec. of Rights, Art. X S.C. Const., Art. XL Mass. Dec. of Rights, Art. XXVI N.H. Bill of Rights, XXXIII
Reserved powers	Mass. Dec. of Rights, Art. IV	—

from Bernard Schwartz, THE GREAT RIGHTS OF MANKIND: A HISTORY OF THE AMERICAN BILL OF RIGHTS, Oxford University Press, New York, 1977, pp. 86 - 89.

A CONSTITUTION FOR THE UNITED STATES OF AMERICA

Review the idea in the Declaration that governments could be organized by people to do what a person, or a state, could not do alone. The Americans believed that the authority to do that came from "the Creator", and that the purpose of government was to protect - by laws, and by carrying out in an orderly way the functions of government - the rights which "the Creator" gave to the people.

Shared reading and discussing

- When the leaders in several states decided they had to change the Articles of Confederation, they called a convention. Twelve of the thirteen states sent representatives - fifty-five men in all. They met in Philadelphia from May to September, 1787. General George Washington was elected Chairman of the convention.

- The Constitution is their plan for a federal government. The Preamble gives their reasons for writing a new plan, and what they believed it would accomplish. (See story map on p. and discuss what the six purposes mean.)

There are seven Articles in the Constitution (If the tutor and student decide to examine each Article, there are many books explaining them in simple language.) Important for our theme of rights and responsibilities are the following:

- Article I, Sec. 8 - This is a list of powers to do certain things which the states found they could not do by themselves, so they gave the national government the authority to do them. (These are specific and are interesting to discuss and to apply to what the student knows government does for him/her.)

  Each state kept all other powers, such as those needed for the health and safety of the people in that state. Those are the responsibilities of each of the states.

- Article IV - This tells what the national, or federal, government must do for the states - its responsibilities. It also tells what the states must do for each other - their responsibilities.

- Article V. - This sets out an orderly procedure for changing the Constitution, telling how it may be amended, or changed.

- Article VII - This explains that the states had to agree, or ratify, the Constitution. Like a contract, people had to agree to what was proposed. By their agreement, they promised to live by the Constitution; they accepted the national government that would be set up.

- People in the new states were very fearful of giving too much power to any government. They thought officials would abuse power and become tyrants (as had some kings of England), or would refuse to protect the people's rights to life, liberty and property, or would become corrupt (take the taxpayers' money for themselves).

The men who wrote the new Constitution believed they had some solutions to those fears.

* For one thing, they divided powers, responsibilities and functions among 3 separate branches of the federal government:

the legislature - to make laws (Article I)

the executive - to appoint officials who will put the laws into effect, and make sure people do what the laws say (Article II)

the judiciary - the courts, to apply laws to specific cases, decide what a law means, resolve differences between people, decide whether laws have been broken and how to punish law breakers. (Article III)

* They also divided powers, responsibilities and functions between the federal (national) government and the states.

* However, they did not write a Bill of Rights because they believed each state already protected its people from abuses of power by government in the state's Bill of Rights.

- When several of the states voted to ratify the Constitution, they said they would agree to it only if a federal Bill of Rights was added. So when the first Congress elected under the new Constitution met in 1789, James Madison, Congressman from Virginia, presented a draft of a Bill of Rights. It was debated by the men in Congress, and when they had agreed on twelve Amendments, President Washington sent those to the states to be ratified. The state legislatures agreed to ten of them, and in 1791 these were added to the U.S. Constitution as the first ten Amendments. They tell what are rights of people which officials of the U.S.government must respect, and what the officials must do to be fair. These are both the rights of people and the responsibilities of government officials.

- Although the Constitution does not specifically tell what are the responsibilities of citizens, these were understood to include obeying the laws, taking care of one's property, helping out in one's community, paying taxes, and voting if a person was qualified.

Writing Activities

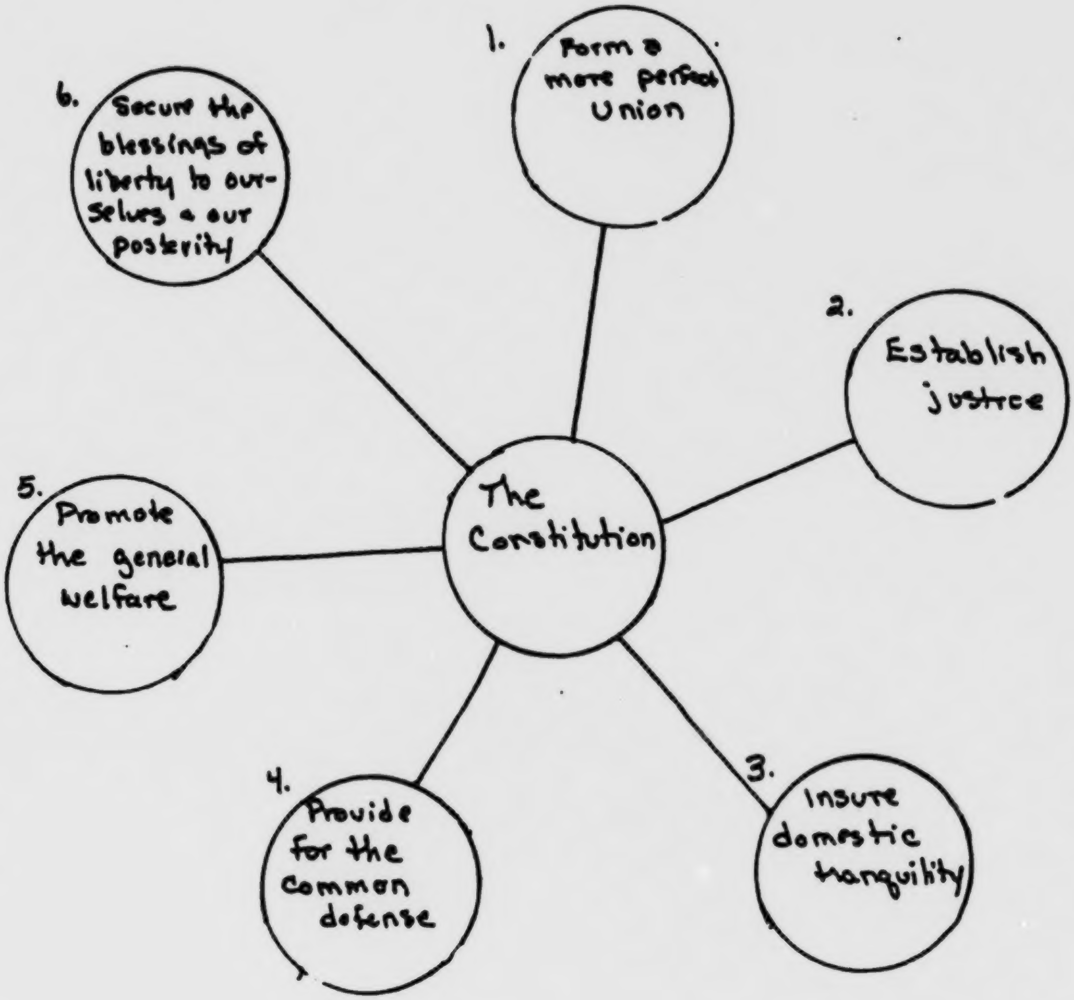
- The student may write about responsibilities at home, in the family, or on the job.

- The student may write "a constitution" for people in his/her household.

- ESL - Is there a constitution in the homeland?

STORY MAP - WHAT THE CONSTITUTION DOES

The Preamble


The Constitution
1. Form a more perfect Union
2. Establish justice
3. Insure domestic tranquility
4. Provide for the common defense
5. Promote the general welfare
6. Secure the blessings of liberty to our-selves & our posterity

from a Tutor's Journal

Refer to the Story Map

THE PREAMBLE
U.S. Constitution

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

*****

Because the preamble contains solely abstract concepts, this lesson will use a dictionary in the student's native language that has the English equivalents.

The tutor and the student, using the written-out Preamble and the mapping of the Preamble, define the abstract concepts by translating their words into his/her own language. These words are underlined above.

One of the problems I ran into with my student was a difficulty approaching this document, because there was no equivalent in her experience. This exercise, which took about one hour, established a fundamental understanding of the purpose of the Constitution.

The Bill of Rights

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

AMENDMENT III

No soldier shall, in time of peace be quartered in any house without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

BEST COPY AVAILABLE

Rights and Responsibilities Here and Now

MY RIGHTS AND RESPONSIBILITIES HERE AND NOW

Introduction

A tutor and student may decide to study particular rights and responsibilities, rather than beginning the topic with materials in the Historical Section. The following Section includes the first ten Amendments to the U.S. Constitution, Amendments 13th and 14th, and the voting Rights Amendments, which are the 15th, 19th, and 26th.

Strategies

For this study, it is recommended that a folder be set up for each Amendment. The folder, or "book", will contain resources and learning activities related to the Amendment. Work may include:

* exercises which develop or reinforce language skills, such as vocabulary words, practice sentences, and definitions in the student's own words;
* examples of readings, visuals, or story maps which demonstrate the Amendment in action and any related responsibilities;
* the student's written journal which may describe the right(s) guaranteed in the Amendment and tell personal experiences related to the right(s). For example, did the student ever experience situations in which a particular right was not respected or protected? Or how does the student feel when hearing that a right has been denied to someone else? Or has a student experienced a time when rights were protected?
* A written follow-up to the community site visited by the tutor and student. This could consist of a description of the place visited, and summary of discussion about particular rights and responsibilities applied there.

One tutor found this writing assignment was beyond the skills of her student, but he had a lot to say after each visit, so they taped his thoughts and their discussion. Then she transcribed it and they read it together, listening to his tape as he followed the words.

Also recommended is a vocabulary box with each new word and its definition listed on a separate card.

This is helpful for vocabulary-building and it becomes the student's own glossary. For ESL students a sound box may be useful for pronunciation. Here new words are entered under "sound families". Both are effective tools for developing language skills.

Concepts

If the study begins with the Amendments, here are some basic words and phrases to know :

amendment
Constitution
Bill of Rights
guarantee
laws (federal,state,local)
limited by laws
power or authority of government
protect - protections
public officials
responsibilities
representative democracy
respect
rights of all people (civil rights)
rights of people accused of a crime

Some basic information to know would include :

- The three levels of government : federal (or national)
  state
  local (town, city, county)
- The three branches of governments and what each one does :
  - legislature - the representatives elected by the voters write and pass the laws.
  - executive - the elected and appointed officials of the government who are responsible for making sure the laws are followed.
  - judiciary - the courts - apply the laws to specific cases to settle disputes, or decide whether a law has been broken, or whether a law contradicts the Constitution.

This system of dividing the functions of government between three branches which check and balance each other is very difficult for many foreign students to understand, especially when they come from countries where there is no separation of powers. Following is a recommendation from an experienced ESL tutor which may enable a student to understand some reasons for the American system.

> The concept of a government in which the three separate branches can and do limit and also support each other is based on a firm conviction that giving one person (an official of the government) power, or authority, over other people usually leads to abuse of that power - to "tyranny", as Jefferson put it. Acting on that conviction, the men who wrote the Constitution spread the powers and functions of government between several different branches. Each one of them has responsibilities, and the powers to carry them out that are limited to specific functions. All of them share the responsibility for seeing that the other branches do not go beyond the limits assigned to each by law. No one person or branch of government, the men who wrote the Constitution believed, can be trusted with power that is not checked by the other branches.
>
> The tutor should spend effort and time on both the concept of checks and balances and the conviction about human fallibility behind it. Undoubtedly the student's experience will provide examples of "wrongs" done by government officials, as will the tutor's. Once a list of "wrongs" is established then the tutor and student can explore ways in the system which may lead to correction. Reaching that point, then the tutor should develop the student's understanding that the citizen's highest responsibility is to be an alert, informed participant, actively involved with efforts to use the system set up by the Constitution to defend rights for all people.

Basic information about American Constitutions would include :

- The Constitution of the United States and its Amendments are our fundamental law. Each state has its own Constitution with Amendments, but it applies only to the people in that state; and it may not contradict the Constitution of the United States.
- Each state also has its own Bill of Rights as part of its Constitution. A state may always give its people more rights, or protections, than the Bill of Rights in the U.S. Constitution. It can never give fewer, however, nor can any state weaken or deny by

its laws the rights and protections which are guaranteed to people by the U.S. Constitution.

(An example of giving more rights: there is no right to a free public education in the U.S. Constitution, but many states have included that in their state Bill of Rights.)

Community site visits

Visits by students and tutors to sites in the community where specific rights can be seen in action have a significant role in developing an understanding about the importance of the Bill of Rights for daily life. For example, seeing how a newspaper editor practices freedom of the press yet balances that freedom with responsibility for publishing accurate information will bring abstract concepts in the 1st Amendment down to the home town level. Likewise, observing trials, talking with a judge, or visiting the Police Department will make students and tutors alike recognize the complexities and the benefits of applying protections in the 4th, 5th, 6th and 8th Amendments for people suspected of illegal activities. Adult students who are basic readers or immigrants can grasp the practical applications of the Bill of Rights through such first-hand experiences. The importance of careful preparation, however, and of thoughtful follow-up can hardly be over-emphasized. These are the tutor's job. Here are some suggestions which may help.

- Making arrangements
  * Visits and interviews may be planned for just one tutor-student team or for a group. Generally, however, having several students and tutors take part together makes for more lively discussion, and also makes the students feel more secure.
  * A tutor should visit the site first and interview the staff person who will talk with the student(s). At this time the tutor can tell the staff person at what level the student(s) read or understand English. The tutor should also explain the specific purposes of the visit, such as which of the Amendments is being studied, so there is a clear focus for the visit when the tutor and students(s) are there together. If handouts will be given at the time of the student visit, copies of these should be obtained. They are an important part of preparation for the students(s).
  * Written confirmation of the arrangements is

advisable, reviewing the date, time, place to meet at the site, names, etc.

* See under each Amendment suggestions for relevant sites and people in a community to interview.

- Preparation for student(s)-During lessons before the visit:
  * Be sure the date, time and place of the site visit are clear.
  * Arrange transportation if needed or agree on a place to meet so tutor and student(s) may go together.
  * Exchange phone numbers in case of a last-minute change of plans.
  * Explain what will be seen at the site, and who will talk with you.
  * Remind the student what right(s) are being exercised at the site, review the appropriate Amendments, and discuss related responsibilities.
  * Have the student think about and practice with the tutor at least one question to ask the staff person to be interviewed at the site.

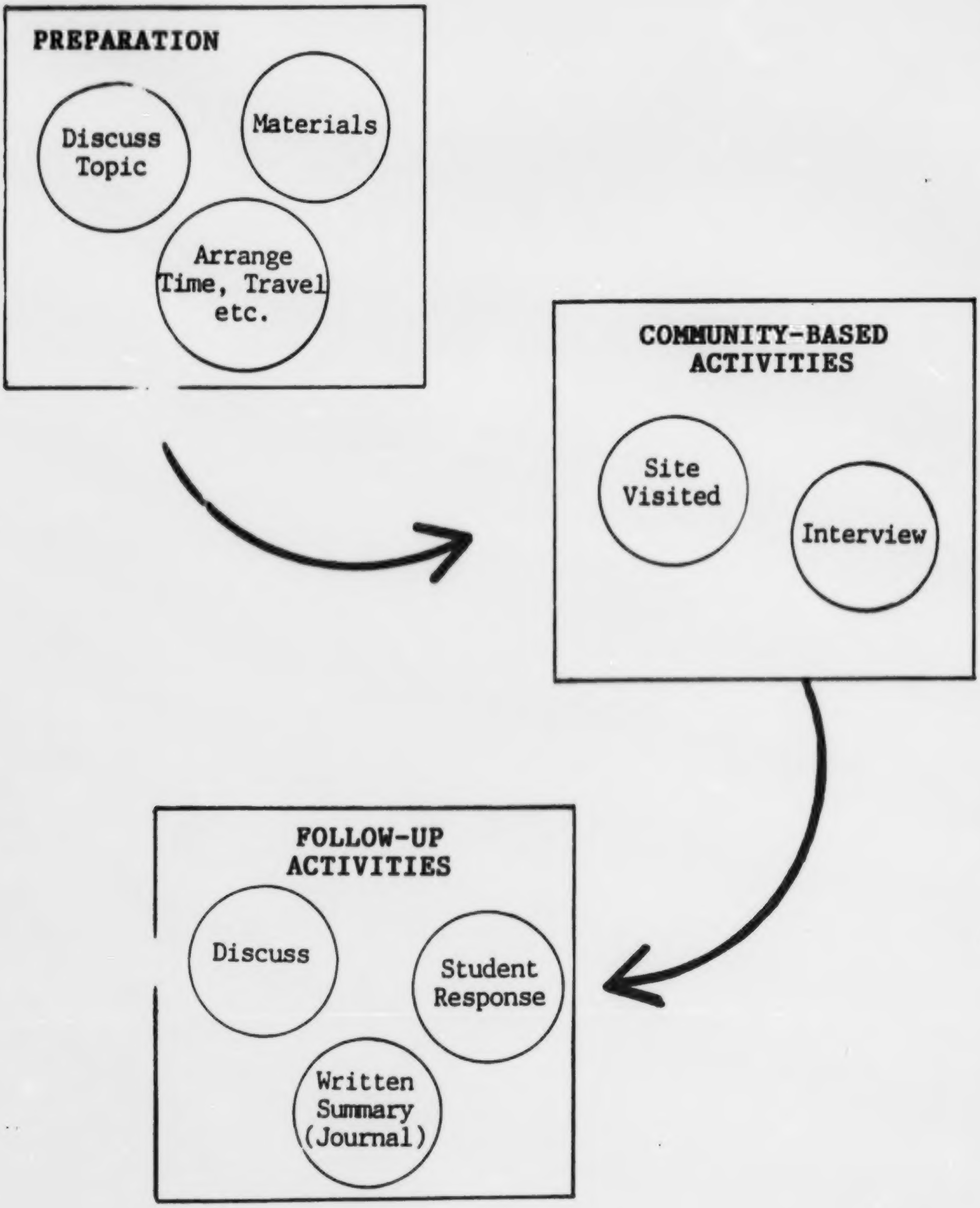
- At the site with the student(s)
  * Introduce each person by name, or have name tags.
  * If a group includes ESL students, advise the presenters at the site to speak slowly and to check from time to time to determine whether the information is being understood. If the speaker talks too rapidly or the vocabulary is too complicated, the tutor may interrupt and go over the material slowly and simply.
  * Be sure to allow plenty of opportunity for discussion, and for the student(s) to ask their prepared questions.

- Follow-up activities
  * Have the student write a description of the site visited, especially telling what right(s) and responsibilities he/she learned about. Remember - if this is beyond the writing skills of a student, tape record a discussion about the visit between tutor and student. The tutor can transcribe that and use it for subsequent reading lessons.

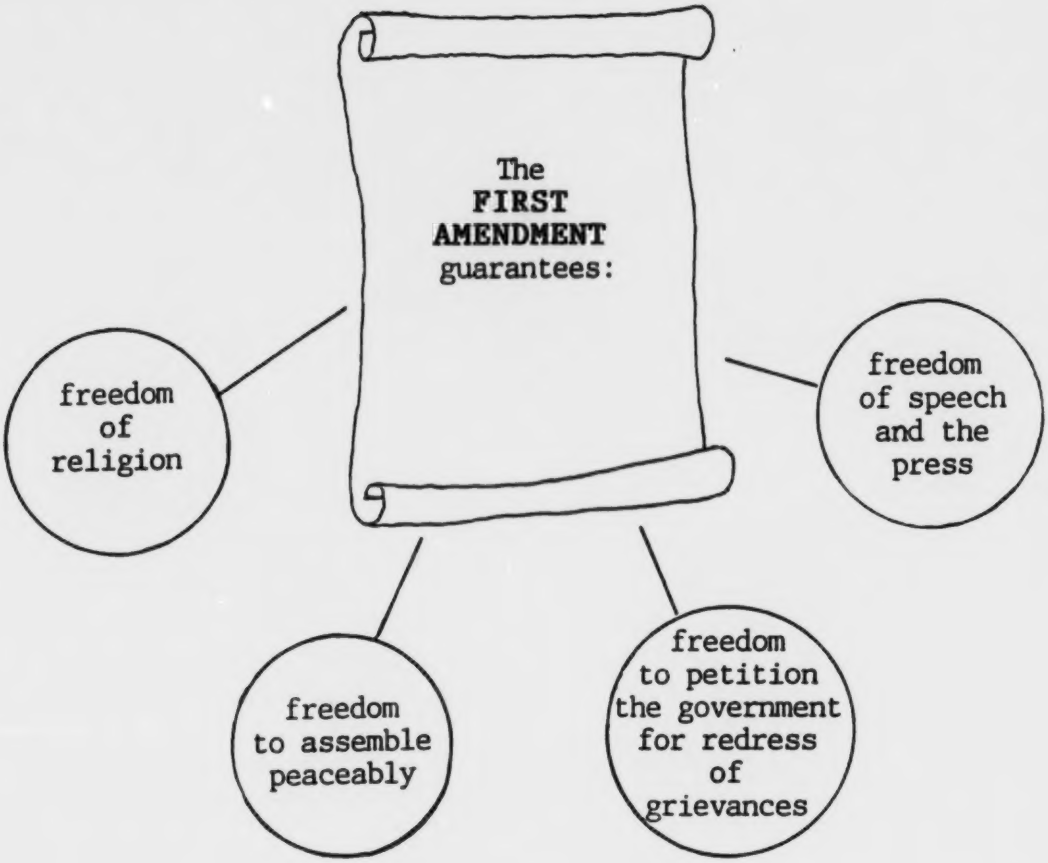
* As clippings, articles and student writings on the rights and responsibilities related to each Amendment are gathered by the student and tutor, these may be filed in the appropriate folder. That will be a file to show the student's progress with language development. It will also be an on-going source of additional information relating to each Amendment which will reinforce what was learned.

See following Story Map/Flow Chart of a Community Site Visit.

STORY MAP -- COMMUNITY SITE VISITS


PREPARATION
Discuss Topic
Materials
Arrange Time, Travel etc.
COMMUNITY-BASED ACTIVITIES
Site Visited
Interview
FOLLOW-UP ACTIVITIES
Discuss
Student Response
Written Summary (Journal)

The First Amendment


The FIRST AMENDMENT guarantees:
freedom of religion
freedom of speech and the press
freedom to assemble peaceably
freedom to petition the government for redress of grievances

THE FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for redress of grievances.

Language Development Activities

- Tutor and student will read through the Amendment together underlining unfamiliar words and words used in an unusual way. For example, the word "shall" in this context is used as a command. Also, the word "exercise" in the context of rights should be discussed.

- Using a dictionary and discussion, have the student work out a definition for each word, adding it to the student's vocabulary box. Each new word may also be discussed in the context of its "word family," for example: respecting, respect, respectful, respective.

- ESL students may need help with pronunciation. They can be encouraged to add new words to their sound box as well as to their vocabulary box.

- Using a story map or visuals, separate the rights given in the Amendment. Then ask the student to tell in his/her own words what each one means. Can the student give examples? These will stimulate discussion, especially if the tutor can show some examples from the newspaper or articles.

Discussion/Writing activities

- Encourage the student to write several sentences about each of the rights.

- Which of the First Amendment rights is allowed in the student's own family? on the job? If some are not allowed, who made the rule prohibiting them? Who enforces it? What is the reason for the rule?

- For ESL students - which of the rights is allowed in the homeland? Or which is prohibited? Who made the laws giving or denying these rights? Who enforces them?

- What responsibilities do people have when they exercise each of the First Amendment rights? Justice Oliver Wendell Holmes said, "words are weapons. Speech has to be responsible." For example, should a person shout "fire" in a crowded theater when there is no fire? or give away military secrets?

Shared Reading

- The words in the First Amendment state general rights. Laws must be made to apply the rights to specific situations. Then, if people in those situations believe a law stops them from exercising a right promised to them in the Amendment, they may take their case to the U.S. Supreme Court. The nine Justices there must decide whether the law protects that right or denies it. It is not easy to decide these cases because often the right of one group or person must be balanced against the right(s) of other groups or people.

- Everyone has to understand that the Bill of Rights applies only to the acts of public officials (the government). It does not apply to what private organizations or people do. Those who wrote the U.S. Constitution and the Bill of Rights believed the first responsibility of government was to protect the rights of people to life, liberty, property and the pursuit of happiness. They were afraid that the Constitution had given so much power to the federal government, its officials would be tempted to misuse it and abuse the rights of the people. Therefore, the first ten Amendments stated what specific rights and protection people had under the Constitution. The 1st Amendment protects the right of people to speak freely, to have their own beliefs, to gather together, and to tell the government when they want change.

You Be a Judge

Suppose you are a U.S. Supreme Court Justice. How would you decide these cases involving First Amendment rights and responsibilities?

1. The Elders of a Church decide they do not want the young people of their Church to go to public schools after the 8th grade, when they are 13 or 14 years old. They say they do not want them to be exposed to drugs in the high school, and other things they believe are bad for teenagers. Also, they promise they will train their young people at home to become good farmers, to follow the

teachings of their Church, and to be responsible citizens.

The state has a law which says all children must attend school (either public or private) until they are 16 years old. The state says it has the power to enforce this law because it is responsible for the general welfare of its people, and educating teenagers in schools will train them to be good citizens.

The Church Elders say that law denies their freedom of religion.

(Case of Yoder v. Wisconsin)

2. The police go into a newspaper office, arrest the editor, and take away the keys to the newspaper presses. They say the editor printed articles in the paper which criticized in very strong words the governor and other public officials. As a result, many people were upset and would no longer trust or obey the governor and his officials.

   The editor says the facts he printed about the governor in the newspaper are true. He argues that although the officials did not like what he wrote and were having a hard time calming people down, they should not have closed down the newspaper. That denied his right to print what he believed.

   (Trial of John Peter Zenger)

3. How do you feel about letting a person burn the American flag?

   A student set a flag on fire on the steps of a courthouse. He said he was doing that to show his opposition to the government's decision to go to war, and he was protected by his rights to free speech (or freedom to express his ideas).

   The State of Texas had a law which made it a crime to destroy an American flag. Many people believed the police should have arrested the man for disrespect toward our national flag. Besides, they said they, too, have a right to their opinion which ought to be protected by the government. (case of Texas v. Johnson)

Suggestions for homework

- Homework may be written, taped, or thought about for discussion at the next tutoring session.

- Write sentences using each of the new words.
- Are people who practice no religion protected by the 1st Amendment? What do you think?
- What you think about burning the flag? Is this what free speech means?
- Think about some limits on our freedom to exercise religious beliefs. Does that mean the government should never interfere ? For example, one religious group preaches that God gives some people special power to handle poisonous snakes and that handling the snakes is their religious duty. Should the government pass a law to stop them to protect their health and safety?
- ESL - Write about any of the freedoms in the First Amendment that are allowed in your country.

Community-based Activity

- The success of this experience depends on careful planning and preparation, but it is worth the effort to help the student understand the community better and see its public agencies in a positive way. See pages for suggestions about making arrangements, preparing students and follow-up activities. A story map of the process is included.

- Suggested sites to visit to show 1st Amendment rights are:
  - * newspaper, TV or radio station
  - * places of worship. Invite the minister, priest or rabbi to explain beliefs, symbols, worship service and holy books, and to discuss other religious groups or churches in the community.
  - * public library
  - * town council. Arrange for a visit at a time when citizen petitions will be presented. Find out about the process for presenting them and acting on them so these rules may be explained to the student.

- Suggested follow-up activities on the 1st Amendment:
  - * have the student write a description of the site visited, especially telling what right(s) and responsibilities he/she learned

about.

- In the student journal write about this topic: if you sent a petition to the town council to ask for some improvement in the community, what would you say?

- Write a "Letter to the Editor" of the local newspaper. Tell about something you like in the community, or something that should be changed.

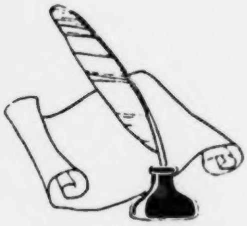
- ESL students may write about, or discuss, free speech, free press, freedom to exercise religious beliefs, and the right to petition the government in their homeland, comparing these with those rights in the United States.

YOUR BILL OF RESPONSIBILITIES

- A topic for writing or discussing: The Constitution has guaranteed freedoms, or rights, in the 1st amendment. What are responsibilities which balance those?

- Using the following words, write about the responsibilities which match each freedom protected by the 1st Amendment:

  tolerance for differences
  respect
  informed
  belief
  opinion
  petition



SAMPLES of STUDENT WRITING

Czechoslovakia before the reform

The Czechoslovakia was before socialist state. This system was for people of society wrong, because the economy and the standard of life increase slowly.

Head of state was communist party - it was socialist government. The constitution prohibited :

- freedom of religion. Everyone who was a member of the communist party could not admit to a religion.
- freedom of speech. The people could not speak their own opinion.They couldn't travel in capitalist states because would compare a better system with their system.
- freedom of the press. The government censored the press because it could show another way different from that of the communist party.
- freedom of assembly. The people could not have a meeting for their rights, because the government knew, that the power would come from the people.

How did the absence of that freedom, affect you in your daily experience at school, at home, at work?

When everyone speaks freely and expresses his ideas, and works freely, think this is appropriate. If there was not freedom of speech, my life would have been unbearable, because I could not live according to conscience. My work was not interesting because the state regulated the all rule and the salary of every person, who worked at all companies. I worked in economic department of an agriculture company. I planed budget for material, machine, upkeep and working buildings.I took care upkeep buildings and services for employees (board, car-drivers, charwomen).

Everyone can live happy only in a society that is free.

freedoms in China

freedom of speech (in 1966-1976)

In China i would not say true things like :
China is not rich,
the government is not good.
(It is better now. but when the students at Tienamen Square assembled in 1989 the government arrested some of students)

freedom of press

I would not be able to buy a paper or a magazine that the government did not print. We would only buy these in a bookstore.

freedom of religion

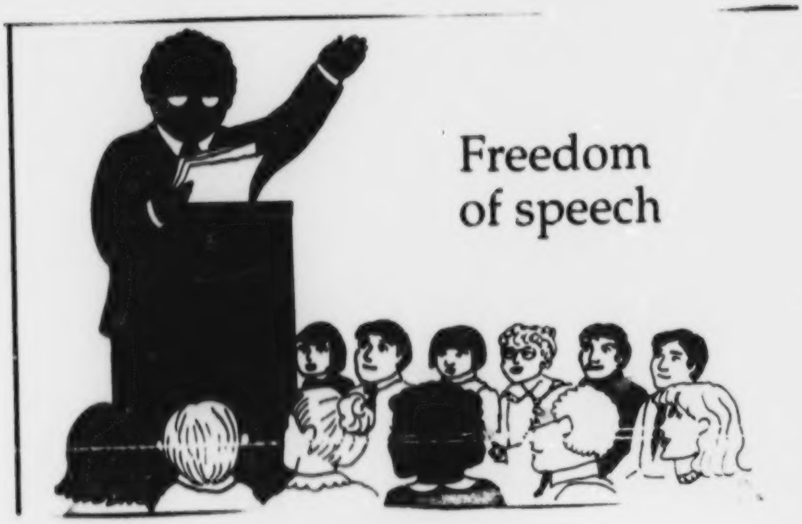
People can not go to a church. All of the places of religion were closed.

right to assemble

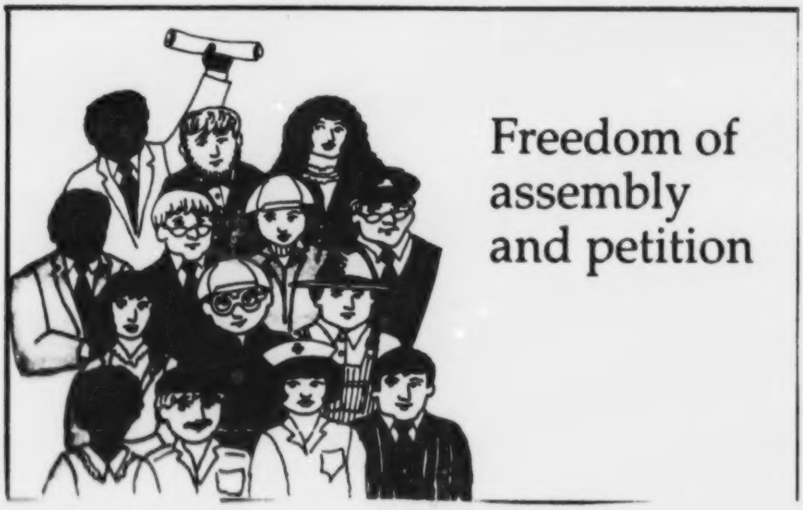
the newspaper told the people that they could not get together in Big groups it was like a law.
In American we have the freedom to do all this things.

In China the people want freedom of speech, freedom of speech is important for us.

Freedom of speech is most important because is the people expressing ones thoughts by speech and not everyone has the same thoughts. We can learn from other people speaking and they can learn from us.


Freedom of speech

Freedom of Speech means a person can say whatever he thinks.


Freedom of assembly and petition

A group of peo people can gather togither and ask the government to do something they belive they need.

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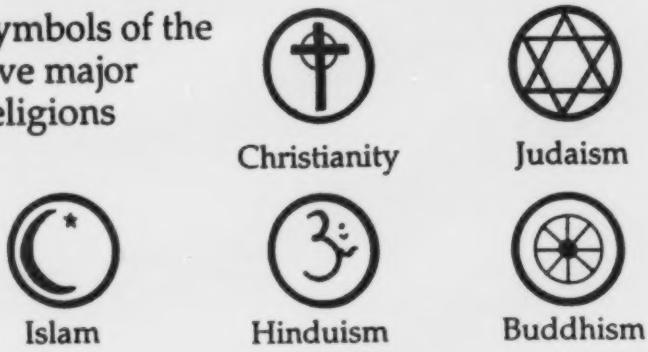
1st: Freedom of religion

Symbols of the five major religions


Christianity
Judaism
Islam
Hinduism
Buddhism

freedom of religion means you can worship how you want to. No owe can push another person to say what you should do. Becouse the settlers hadseen so much saffering for the people over religion, they decided everyone could worship or not worship if they wanted to. Any religion which harts another person is aganst the law

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FROM A TUTOR'S JOURNAL

Discussion on the 1st Amendment separation of church and state. The incident referred to is a case in this state which is now before the U.S. Supreme Court. A public school student has brought suit against the school board and the principal of her school for inviting a local Rabbi to give the invocation at the graduation ceremony.

October 21, 1991

Visited the Dunn's Corner Church with Richard. Rev.James Glenn posed an incident where one graduating student did not wish to hear an invocation (prayer) at her graduation ceremonies. Should the other 200 students be deprived of an invocation because of that one person's rights? What about their rights? While we did not come up with a solution, we discussed the rights of the minority which is exactly what the Bill of Rights is supposed to protect.

October 25,

In a telephone discussion with Richard today, he has a solution. Let the one girl be given her diploma first. She then has a choice: Let her leave the hall while the invocation is given. She may then return to the hall to watch her classmates receive their diplomas. She would still be present to join in subsequent festivities. Or, she could choose to leave after receiving her diploma. We talked about this solution on the phone. While it has its disadvantages. We decided it would be a win/win situation which is always the best of solutions. Situations where everyone loses are undesirable. Compromise is always the best choice because everyone wins a little something.

FROM A TUTOR'S JOURNAL

Community site visit for seeing 1st Amendment rights in action

* freedom to speak

* freedom to assemble

* freedom to petition the government

13. August 1991 - Town Council Meeting

Maria and I arrived in the Meeting Room at 6:45 pm. We chose seats near the front. It was a fine opportunity to describe the process and to answer Maria's questions since we were early. We reviewed the agenda. Maria used her dictionary throughout. The invocation and the Pledge of Allegiance impressed her. The citizens' comments regarding the Pond View Rd problem were of considerable interest. The freedom of speech and right to assemble are so well demonstrated in this situation! Town government is an appropriate presentation for the Bill of Rights project to observe since it is unrehearsed, spontaneous and entertaining.

TUTOR JOURNAL - LESSON ON THE 1st AMENDMENT RIGHT TO PETITION

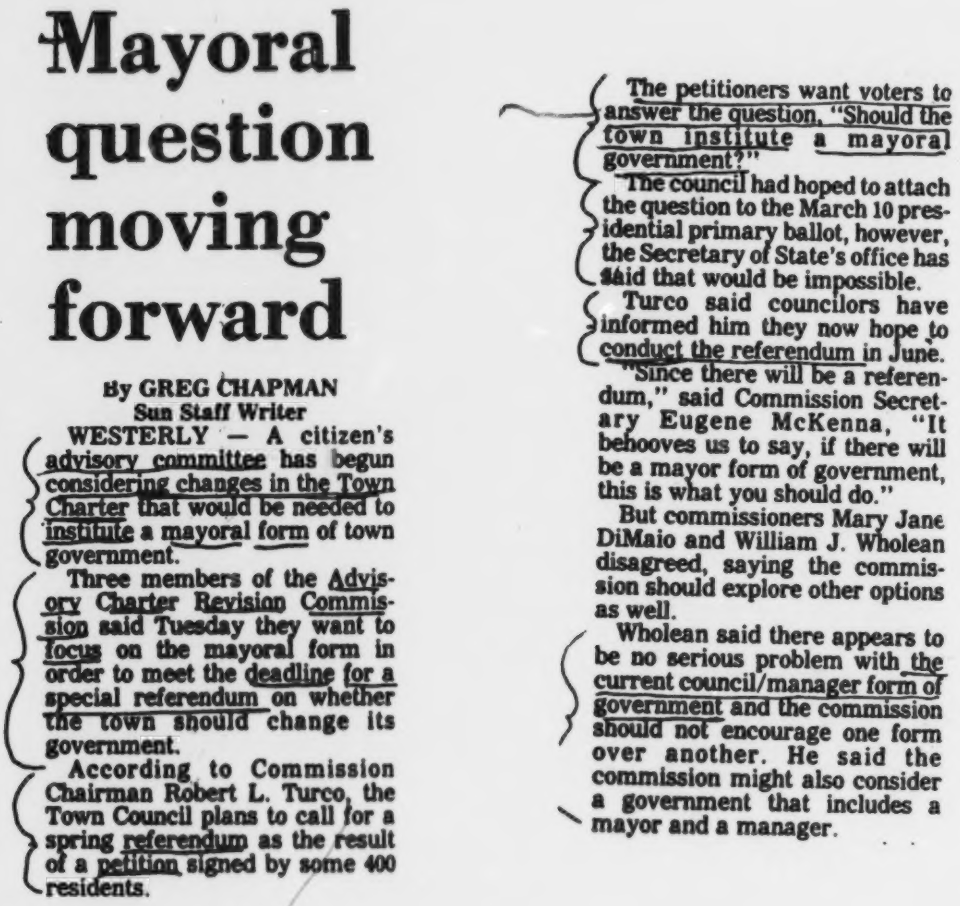
The material used was for Basic Reading and Comprehension.

The lesson began by my reading the title and first paragraph of the article. Ning followed the words as I read. We used the dictionary for words that Ning did not understand. He then wrote the words on paper, along with a simple definition in his own words.

We then went through the paragraph for pronunciation. Ning repeated the words he did not know until he was able to say them freely. The words we discussed are underlined.

Next we discussed what the reporter was explaining in the article, and what it told us about government in this town. We also discussed how important is the right to petition and to have a referendum for citizens who want to suggest changes in town government. Ning said that would never happen in China.

We talked about how to register to vote and what are the rights and responsibilities of voters in the United States.



Mayoral question moving forward

By GREG CHAPMAN
Sun Staff Writer

WESTERLY — A citizen's advisory committee has begun considering changes in the Town Charter that would be needed to institute a mayoral form of town government.

Three members of the Advisory Charter Revision Commission said Tuesday they want to focus on the mayoral form in order to meet the deadline for a special referendum on whether the town should change its government.

According to Commission Chairman Robert L. Turco, the Town Council plans to call for a spring referendum as the result of a petition signed by some 400 residents.

The petitioners want voters to answer the question, "Should the town institute a mayoral government?"

The council had hoped to attach the question to the March 10 presidential primary ballot, however, the Secretary of State's office has said that would be impossible.

Turco said councilors have informed him they now hope to conduct the referendum in June.

"Since there will be a referendum," said Commission Secretary Eugene McKenna, "It behooves us to say, if there will be a mayor form of government, this is what you should do."

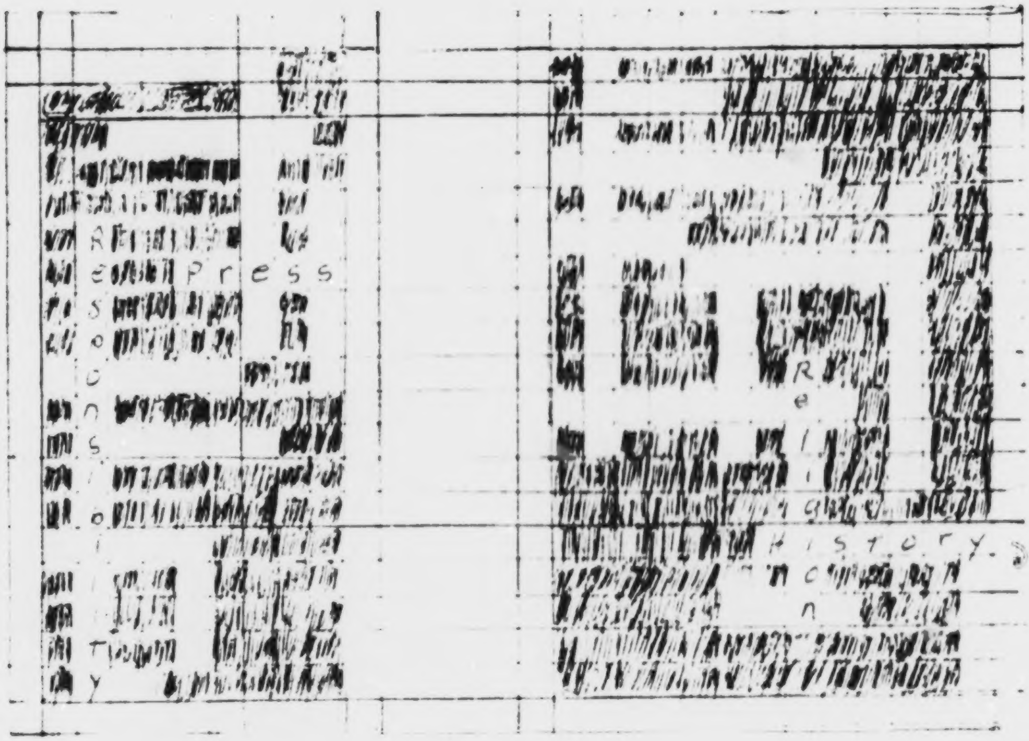
But commissioners Mary Jane DiMaio and William J. Wholean disagreed, saying the commission should explore other options as well.

Wholean said there appears to be no serious problem with the current council/manager form of government and the commission should not encourage one form over another. He said the commission might also consider a government that includes a mayor and a manager.

1st Amendment - Matching

		matches	
1.	Amendment	s	a. An organization of people that rule a country
2.	Rights	i	b. Freedom to choose or do
3.	Responsibility		c. Liberty
4.	Freedom		d. A written plan of government
5.	Independence		e. Rules that are legal
6.	Constitution		f. Duty to others
7.	Government		g. A system of faith in God
8.	Laws		h. A group of people with the same interests
9.	Religion		i. Belongs to you - due you
10.	Press		j. Jobs you need to do
11.	Assembly		k. A group of people living in a new land
12.	Community		l. Freely willing to help
13.	Duties		m. The newspaper, any printed news
14.	Volunteer		n. Do as you are told to do
15.	History		o. Getting together to talk
16.	Resist		p. Story of the past
17.	Colonists		q. Practice, or use
18.	Grievances		r. Stop or prevent
19.	Obey		s. An addition or change for the better
20.	Exercise		t. Not fair, wrong
21.	Injustice		u. Complaints

1st Amendment Review



civil
speech
colony
*press
laws
duties
resist
America
Bill
*history
*religion

Anne
Yi
Young
obey
amendment
*responsibility
assembly
constitution
rights
volunteer
community
freedom

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The Second Amendment

SECOND AMENDMENT

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Language Development Activities

- Read through the Amendment underlining new words. Through dictionary and discussion have the student work out a definition of each one in his/her own words. Add to the vocabulary box.

    * Review use of "shall" as a command.

- Read through the Amendment for pronunciation, repeating unfamiliar sounds and mispronounced syllables. These may be added to the sound box.
- Ask the student to use the new words in two or three sentences, either spoken or written as homework.
- Extend vocabulary through related words:
    * bear - to bear, born
      bare, barely
    * infringe - infringement, fringe
      prefix "in" - insecure, intolerant, inexpensive
    * keep - keeper, keeping, kept
    * militia - military
      "citizen-soldier" as opposed to professional soldier
    * necessary - necessity, need, unnecessary, unnecessarily
    * regulated - to regulate, regulation, regular, deregulate, irregular
    * security - to secure, to make secure, secured
      to defend, defense, defended
      to protect, protection, protected
    * What is meant by "arms" here? Give some examples.

Shared Reading

(Looking at a map of the United States will help with understanding this section)

- The 2nd Amendment was added to the Bill of Rights for national defense. In 1791 the United States was a brand new nation. The 13 states were stretched along the coast of the Atlantic Ocean from Maine (which was then part of Massachusetts) to the border between Georgia and Florida - about 1400 miles. To the west several of the states claimed land as far as the Mississippi River, but those borders were not clear. In fact, in some places more than one state claimed the same land, and the early settlers fought with each other over it as well as with the Indians who also claimed it.

- The territories surrounding the 13 states were claimed by the most powerful nations of Europe. The Spanish were established in Florida and in the territory along the Gulf of Mexico as far as the Mississippi River (where New Orleans is today). Spain also claimed all the land between the Mississippi and the Pacific Ocean, a huge territory called Spanish Louisiana. The French claimed parts of those western territories too, and also parts of Canada to the north of the United States (Quebec Province today). But by far the most threatening to the new United States was its old enemy England.

- All three European nations had large, permanent armies made up of full time professional soldiers. Those men were well prepared for certain kinds of fighting. Also, they were well armed by their king, trained to follow his orders exactly and paid to fight for him anywhere he sent them. And each of the European rulers wanted to own as much as he could win of the vast territory in what was called "The New World."

- The English army had very nearly defeated the American army under General George Washington. The American army had very few professional soldiers. Instead, because the new states had very little money, the Americans put together an army of citizen-soldiers to fight for their independence from England. These men had very little training for fighting together as an army, but they all had their own guns and plenty of practice using them. Most of them had depended on hunting for food for their families since they were big to enough carry a gun, and many had fought against the Indians for years. They were excellent marksmen and they were used to a hard life in the woods and on their farms. Also, they were fighting to be rid of the hated English laws and the British soldiers who enforced them. It took the Americans 6 years (1775 - 1781), but the English army was finally out-fought by the citizen-soldiers and forced to surrender.

- After the Americans defeated the British, the Constitution gave the national government of the United

States responsibility for the defense of the new country (see Preamble to the Constitution). This is the joint responsibility of the President, who is called the "Commander-in-Chief of the Army and Navy of the United States," and the Congress which votes the money for the armed forces and writes the laws to regulate them.

- When the Constitution was written, nearly every American believed a permanent, full time army was a dangerous thing for a country to have. It could too easily be used by people with power to abuse the rights of the citizens, as the King of England had done. Besides, full time, professional soldiers were expensive, and the new nation had very little money.

- A citizens' army was the answer, and it had already worked against the most powerful army of Europe. The purpose of the 2nd Amendment was to make sure citizens would be armed and ready to come to the defense of the new nation whenever they were needed. Congress followed up the Amendment with the Militia Act of 1792. According to that law, "Every free able-bodied white male citizen" was required to "enroll in the militia for training and active service in case of need." Furthermore, when he reported for service or training, each man was required to bring a rifle or a musket and ammunition. Training for militia duty was done in each local village or town. It took only a few hours every month of a man's time. The militia men worked most of their time as farmers, shopkeepers or craftsmen.

- All 13 states had these militia - or organized groups of armed citizens - and each state had its own rules for training and using them. The militiamen were meant to protect the borders of their own state in the event of an attack. They could also be used to fight off raids by hostile Indian tribes, and even to restore order among Americans if they began to fight each other.

- In addition, they could be called to the service of the United States by the President in order to help with the defense of the nation. For example, President James Monroe called out the state militias in 1812 when the British army attacked from Canada and marched into Washington, D.C., from Chesapeake Bay. And President Lincoln called the militias of the northern states into national service during the Civil War.

- There are still state militia companies. But now the organization of citizens who train part-time to help with national defense is the National Guard. Since it is "a well-regulated militia," there are no problems with applying the 2nd Amendment right to keep and bear arms to those men and women. Our problems today come from using this 2nd Amendment right to allow any person to carry a gun, even when the reason has nothing to do with national defense. This raises a number of important questions Americans are debating now.

What Do You Think?

- Re-read the Amendment for understanding and discussion. Ask the student to put into his/her own words first what it meant in 1791, and then what he/she thinks it ought to say for today.

- ESL - Are ordinary people allowed to have guns in the student's homeland? What are some of the gun control laws in the homeland?

- How many kinds of weapons besides guns can you think of?

- How have guns changed since 1791? And weapons for national defense?

- What do you think "well-regulated" means in this Amendment? Does this suggest that Congress should regulate guns as well as the militia - all guns, not just those used by the militia?

- Set up a debate between tutor and student, or work with another tutor-student team on the following activity:

  * One side will write out all the reasons in favor of strict gun control laws. The other side will write out all the reasons in favor of "the right to bear arms."

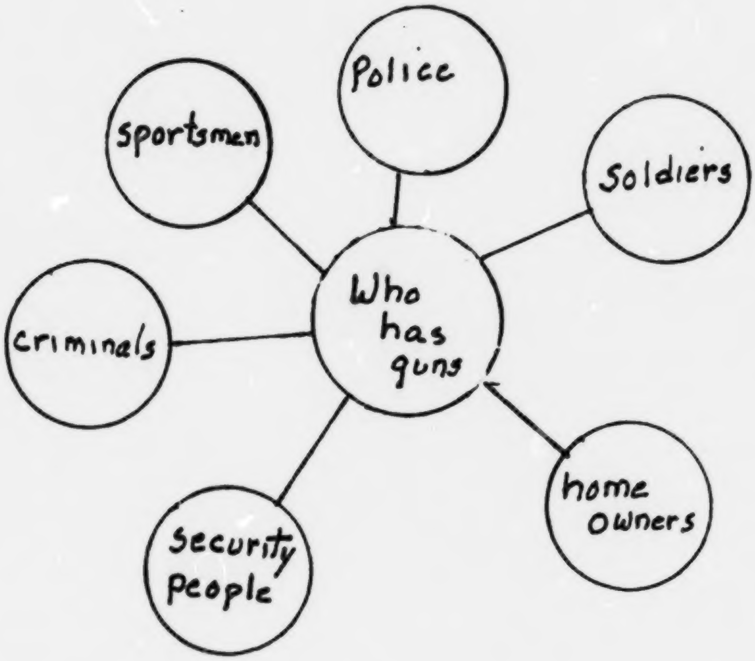
  * Next, each side will have a turn to explain his/her reasons while the opposing side listens.

  * In the following round the two speakers will have a turn first to repeat each point made by the opposing speaker, and then to respond to each one.

  * After both sides have spoken, the participants may vote on which points were the most persuasive and were presented most effectively.

  * Each participant is encouraged to take notes while the opposing side is speaking.

Who keeps & bears Arms?


Police
sportsmen
Soldiers
Who has guns
criminals
home owners
Security people

- What reasons besides national defense would make a person feel that having a gun is necessary. Look at chart "Who Keeps & Bears Arms." Would you add others?

- Is there a difference between use of a gun for public purposes and private ones? Can the student use a gun? Does he/she own one? Why? Why not?

- Write out a gun control law for 1991.

Community Site Visit: suggested sites

- local unit of the National Guard or State Militia

YOUR BILL OF RESPONSIBILITIES

- Consider the responsibilities of having a gun.
  - If you own one, how do you keep it safe? What do you use it for?
  - If you have children in your house, do you need to take special precautions?
  - Where do you keep ammunition?
  - How do you protect against accidents with your gun?

- Each state, even each town, has its own gun control regulations. Find out in your local police department, town hall, or library what the laws are where you live. Each citizen has the responsibility to know what those are and to obey them.

- Think about the phrase "Guns don't kill people. People kill people." Does it suggest other responsibilities beyond those of actually owning a gun?
  - How safe do you feel, knowing that many people own guns?

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SAMPLES OF STUDENT WRITING

- Do own a gun or don't?

  In the United States of America everyone has the right to own a gun. The people can own the guns, because they feel that guns protect their security. This is right guaranteed by the second amendment of the U.S. Constitution.

  In Czechoslovakia people don't own guns. Ownership the guns is violation of the constitution of Czechoslovakia. The guns are allocated only to the army and the police. These groups protect the security of all the people.

  I think, that the law about the ownership of guns in Czechoslovakia is better, because some people use guns wrongfully. The freedom to own guns as provided by the U.S. Constitution can increase criminal.

  My security was protected, because I knew, that other people didn't own guns. This idea was my security.

- In China no guns only the armed forces have them. no one has guns in their house. sometimes groups of men fight each other but they use clubs and long knives. I don't know any one that has a gun. My family never owned one.

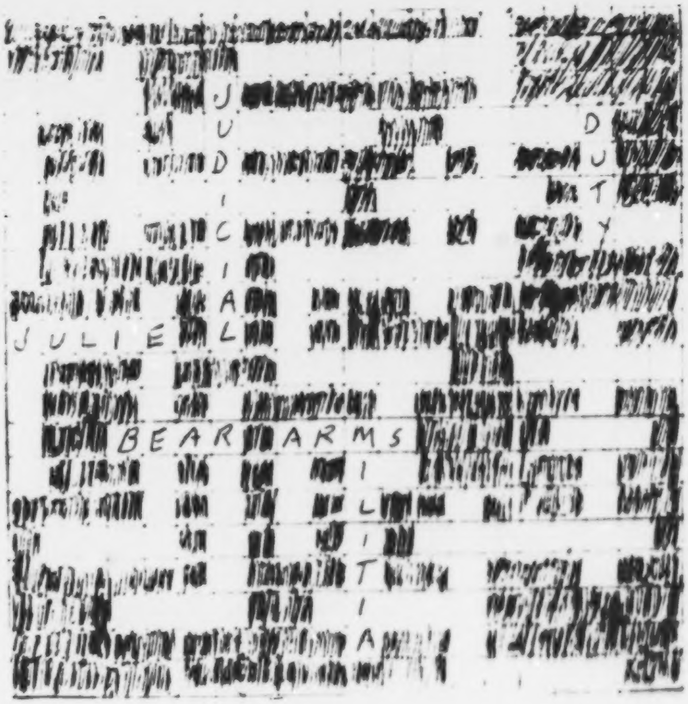
Write 3 sentences about the use of guns in China

1. The people can own guns but there is no store that sells them.
2. only the Armed Forces own guns in China.
3. A militia would not own guns. They have knives and clubs only.

Write 3 sentences: why not own guns

1. guns is too dangerous
2. if the children getting the gun they don't know the gun is dangerous. It can kill the people.
3. Some one else finding the gun might use it on you.

2nd Amendment Review


JUDICIAL
DUTY
JULIE
BEAR ARMS
MILITIA

Anne
Yi
Young
Wendy
*Julie
rifle
gun
*bear arms
*militia
firearms
weapons
*judicial

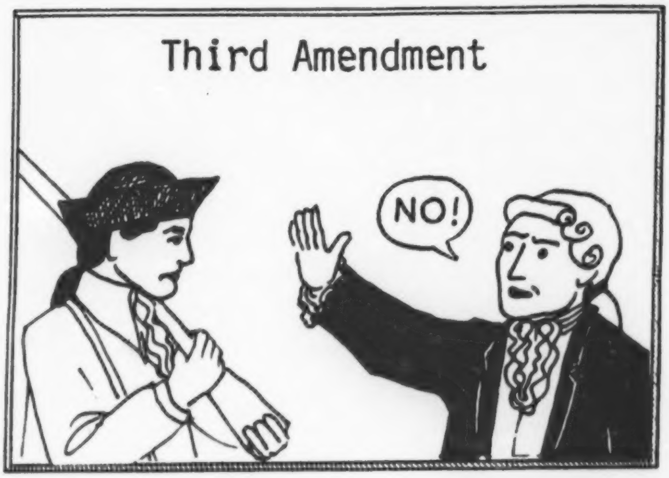
count
cost
it
recess
fine
guilty
innocent
defend
offender
arrest
criminal

steal
rob
infringe
amend
judge
federal
sentence
enact
arms
*duty
you

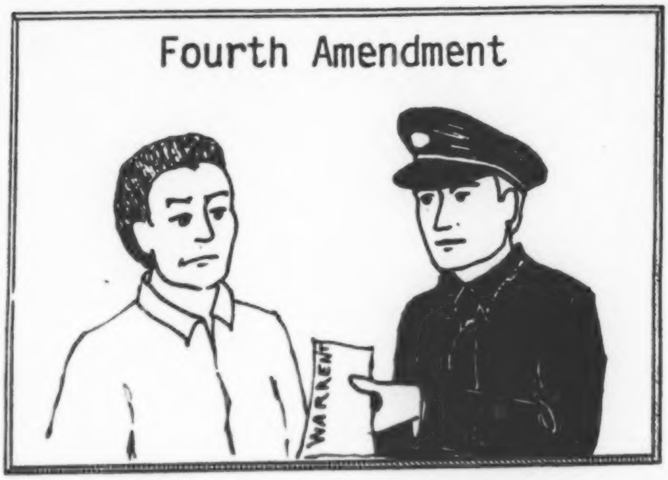
1st & 2nd Amendments - Matching Activity

	matches	
1. rifle	i.	a. to protect the people
2. guilty	g.	b. the place where guilt or innocence is decided
3. militia		c. to catch someone who has committed a crime
4. defend		d. You did not do it!
5. arrest		e. to decide right or wrong, guilt or innocence
6. innocent		f. a group of local people who own guns and are trained to protect the people
7. gun		g. Your fault. You did it!
8. criminal		h. to stop for a rest
9. steal		i. a gun with a long barrel
10. infringe		j. a weapon that shoots to kill
11. sentence		k. different kinds of weapons
12. arms		l. a person who has broken the laws
13. federal		m. the punishment for a crime
14. rob		n. to carry any kind of weapon
15. crime		o. to take something that does not belong to you
16. to amend		p. to disturb the rights of others
17. court		q. national - not state or local
18. bear arms		r. to steal
19. recess		s. to fix or change for the better
20. judge		t. an act which is against the law - a wrong

The Privacy Amendments



Third Amendment



Fourth Amendment

THE THIRD AMENDMENT

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Language Development Activities

- Read through the Amendment underlining unfamiliar words. Using a dictionary and discussion, have the student work out a definition of each new word. These may be added to the vocabulary box and to the sound box for pronunciation.

- Use each new word in 2 or 3 sentences, either written or spoken.

- Extend vocabulary with related words:
  - * consent - consenting, consensus
    prefix "con" - congregate, conflict,
    core syllable "sent" - dissent,
    assent, descent, ascent
  - * manner - Synonym in this context is "in a way," "by a method," "according to rules in the law."
  - * prescribed - to prescribe, prescription
    prefix "pre" means "before" - pre-school, pre-pay, prepare
    scribe - a writer, a public clerk.
  - * property - Discuss the differences between private property and public property. Ask the student to give some examples of each.
  - * quartered - quarter, to quarter, quart. Synonym is "to billet."

Shared Reading and Discussion

- The protection given to private homes in this Amendment does not apply directly today. American soldiers now live in army barracks or naval quarters. Those are government property, and the government pays the expenses of housing and feeding all the armed forces wherever they are.

- That was not true before 1776. During the time the American colonies belonged to England, any homeowner could be ordered by the King's army officers to provide beds and food for the British soldiers. How would you feel about that, especially in the winter, if your house was already filled up with your wife and children, and you had just enough food to feed your family?

- As the king sent more and more soldiers to the colonies to put down the agitation against unpopular laws such as the Stamp Act, the colonists became more and more angry. According to the Quartering Act of 1765, it was unlawful for any homeowner to refuse to have soldiers quartered in his home. If he did, he was put in jail, and the soldiers moved into his house anyway. Furthermore, the hated soldiers never paid anything for their beds or the food they ate.

The men who wrote the Bill of Rights in 1789 knew from first-hand experience how unfair that was. The 3rd Amendment was a guarantee to homeowners that the United States government would not use their private property as quarters for soldiers in times of peace. In the emergency of a war, it could be done, but only if there was a special act of Congress, and the government paid the expenses.

- Indirectly, the 3rd Amendment is an important guarantee for the right to privacy today. The Bill of Rights does not use the word "privacy"; but the 3rd and the 4th Amendments taken together say no government official may come into our homes, or demand to take our property unless there is a specific law or a court order which permits it. These apply now the ancient English principle that "a man's home is his castle, and no official, however powerful he may be, can enter it except by the owner's consent or by the law of the land." That was first written down at the time of Magna Carta in 1215, and it protects the privacy of our homes to this day.

- This Amendment is the only one that has never been tested in a court case. However, it gives a protection to us which many governments, even now, do not give to their people.

Discussion and Writing Activities

- Re-read the Amendment. Ask the student to describe in his/her own words
  - * what it meant in 1765 - 1789
  - * what it means today.

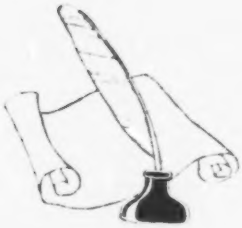
- ESL students may write or describe where soldiers in their homeland live when they are on duty. If homeowners are obliged to take them into their houses, must they also feed them? Who pays the expenses?

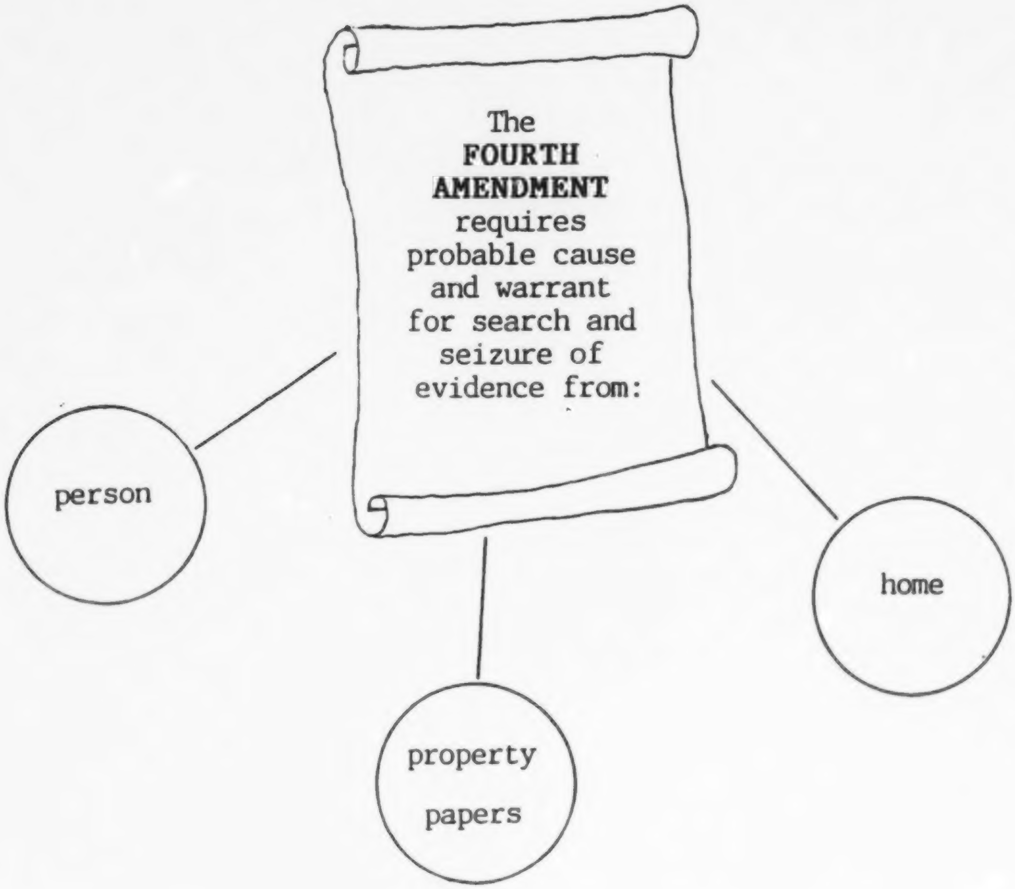
- What does the privacy of your home mean to you and your family? Is the right "to be let alone" important? Why?

YOUR BILL OF RESPONSIBILITIES

- If the right to be let alone is important to you, what might be your responsibility toward other people?

- Are there times when the right to privacy can be mis-used? If you know for a fact that something wrong is happening in a neighbor's house, what might be your responsibility?





The **FOURTH AMENDMENT** requires probable cause and warrant for search and seizure of evidence from:

person
property
papers
home

THE FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated. And no warrants shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Language Development Activities

- Read through the Amendment underlining the unfamiliar words and the mispronounced words. Reread as necessary to correct pronunciation and put words in the sound box.
- Using a dictionary and discussion, work out a definition for each unfamiliar word, and put these in the the vocabulary box.
- Certain words have special legal meanings:
    * effects - means "personal belongings."
    * issue - means "be given," in this case by a judge.
    * particularly - means that the warrant will give the particulars, or details, of the place to be searched and the persons or things to be seized.
    * person - literally means "the body."
    * probable cause - means that the law enforcement officer has very good reasons, which he/she can explain to the judge, for believing that a crime is being, or has been, committed, and that the evidence to prove it is in a particular place.
    * warrant - an official permit signed by a judge. It is specific about the place to be searched, what evidence will probably be found there, etc.(see sample warrant on p.75). A warrant must be used within a certain number of days from the time it is issued. If it is not used by then, it is void.

- Extend vocabulary with related words:

    * secure - security, to secure, safe, safekeeping, to keep safe
    * unreasonable - reasonable, reason, to reason - Prefix "un" means "not."

- * violated - to violate, violation
- * probable - probably, probability
  Is this different from "possible," "possibility?"
- * affirmation - to affirm, firm, firmly, confirm
- * particular - part, to part, particle, party, partisan, participate

- Use each new word in two or three sentences, having student write them and then read them.

Shared Reading

- As with the other Amendments in the Bill of Rights, the protections given in the 4th were put there because of what the American colonists had experienced in the years before the War for Independence from England. According to English laws, the king could give his officials "General Warrants," or "Writs of Assistance" which allowed them to search anywhere for evidence of wrong doing. There were no limits on where, or how, they could search, or what they could seize from private individuals. The result was that the king's officers broke into homes, shops and businesses whenever they wanted to and took any papers, belongings, or private property they thought might prove illegal activity. And in the process, they often broke up machinery and furniture and took any tools, household goods or merchandise they pleased.

Furthermore, the General Warrants, or Writs, had no time limit. Once issued by the King to an official, they could be used at any time, indefinitely. Some of them continued to be used for years, first by one official and then by another.

- The men who wrote the 4th Amendment were determined to prevent such abuses by those charged with enforcing the law. At first in America those were soldiers and local constables. By the early 1800s police forces began to be organized, and now trained police officers everywhere are responsible for protecting people from anyone who breaks the law. They are in the front line in the battle against wrong doers. We, as a people, have given them the authority, as well as the responsibility, to do their jobs. They are hired by us, the taxpayers, to protect us from criminals and to enforce the laws. They have been trained to deal with rough, suspicious, greedy, often violent kinds of people. Also they are trained to gather evidence that a law has been broken which may be presented at the trial of a person accused of a crime.

- The 4th Amendment puts the legal limits on what the law-enforcers can do. It sets up a legal balance between the powers we have given to them to do what has to be done to bring suspected criminal to trials - collect evidence of law-breaking - and the wish of the great majority of citizens to have their privacy protected. It says to the law enforcers, "Yes, we know you must have enough authority to get evidence when and where a crime is suspected. But you must also have very good reasons to enter a home or private place of business and search a person's belongings. Before you do that, you must explain your reasons to a judge and get his signed permission to look for the evidence. Furthermore, he can allow you to look only in a particular place for the evidence you believe is there. Under any other circumstances, you may not invade the privacy of any person."

- One way of making sure the law-enforcers follow the rules in the 4th Amendment is that a judge will refuse to use in court evidence taken without following each step of the required procedure. A judge who is conducting a trial is the person who decides what evidence may, or may not, be presented to a jury. If he is convinced it was taken by a law-enforcer illegally, he will exclude it. Then a prosecutor will have to produce other evidence to prove the accused person committed the crime.

Even if a trial judge admitted evidence which a person on trial claims was taken without regard for the search and seizure rules, the defendant may appeal a verdict of "guilty" on grounds that his/her 4th Amendment rights were violated. Then other judges will look very carefully at exactly how the police obtained their evidence. If any of the required steps was missed or ignored, they may decide that particular evidence may not be used. Then the government may hold a new trial, but it must prove the person is guilty without using that evidence.

- The courts have said that in certain situations the law-enforcers are not required to get a search warrant from a judge before seizing evidence. Here are some examples.

* If an officer hears screams for help coming from a home, he/she may enter immediately, even breaking down the door if necessary.
* If an officer stops a car for a traffic violation and smells marijuana or sees illegal drugs he/she may search the whole car immediately.
* If an officer sees someone who looks as though he is carrying a gun, he/she may stop the person and search his clothing and any belongings he has with him to see if he does have a gun.
* If an officer gets a report of a bomb scare in a particular place, he/she may search that place and the surrounding area.
* If an officer arrests someone for a violent crime, he/she may search him and whatever he might be carrying to see if he has a weapon.
* If an officer sees evidence of crime in plain view, he/she may take it.
* If an officer is in "hot pursuit" of someone who has been seen committing a crime, the officer may chase the person into a house or other building.
* If the owner of a house or a car agrees to let an officer search it, no warrant is necessary.

- Illegal drugs have made the job of law-enforcers much more complicated. Can you think of reasons why this would be so?

Drugs have also made the job of law-enforcement even more dangerous. Why is this so?

Certain words and phrases in the 4th Amendment have been used in new ways by the courts to help law-enforcement officers find people who use or sells drugs. For example, the 4th Amendment rules now allow tests of urine which show the level of illegal drugs in a person's body. Also the police are allowed to move quickly into a house where they suspect there are drugs and to seize the drugs immediately, even before showing the warrant. These actions are certainly invasions of privacy. But many believe society has a right to protect law-abiding citizens against drug-users. What do you think?

Discussion and Writing Activities

- Talk about what to do if a law-enforcement officer comes to your home.

* Ask to see his/her credentials showing he/she is an authorized officer. Some officers dress in plain clothes, but they always carry official identification.

* Ask to see the search warrant, and read it carefully. Seek help if there is a language barrier.
* You have the right to deny access if you have questions about either the credentials or the warrant. In that case, seek advice from an attorney as soon as possible, and tell the officer you intend to do so.
* If the credentials and the warrant are in order, you should consent to the search.
* Don't panic - The officer must do his job but in a reasonable way. And your right to a lawyer as well as your 4th Amendment rights help you.

- Look back at the list of lawful searches which do not require a warrant. Discuss the reasons for each. Remember, the 4th Amendment does not forbid all searches, only unreasonable ones.
- ESL students may discuss or write about rules for searches and seizures in their homeland.

You Decide What To Do

Here are some incidents which involve 4th Amendment rights. What would you do?

- Your town has a Citizens Police Review Board. Its job is to receive complaints from people who believe the police have mis-used their powers and to recommend to the Police Chief whether an officer involved in such an incident should be punished. For its decisions in cases of searches and seizures by police officers it uses the 4th Amendment rules. You are one of the 5 members of the Review Board. What would you recommend in this case?

A man and his wife were driving slowly along the beach road on a warm summer evening. In an area crowded with tourists they were stopped by a police officer. He told them to pull over to the side of the road and get out of the car because he wanted to search it. They were middle-aged, law-abiding citizens who were following the rules of the road carefully when they were stopped, so they could think of no reason for the officer's action.

Reluctantly, they agreed to the search. The officer looked in the glove compartment, under the front and back seats and in the trunk. Then he told them to get back in the car and drive on. But they were upset and asked why they had been stopped. The officer would not explain, nor would he tell them what he was looking for. The couple decided to make a complaint to the Citizens Review Board, saying their 4th Amendment rights had been violated. What would you recommend in this case to the Police Chief?

- In Cleveland, Ohio, the police suspected some illegal gambling equipment was hidden in the home of Mrs. Mapp. One morning they knocked on her door. When she opened it, an officer waved a piece of paper saying it was a search warrant while two other policemen pushed her aside. The officers did not let her read the paper, nor did they tell her what they were looking for. The three of them looked through the whole house, turning out drawers and pulling things out of closets. They found no gambling equipment at all, but they did find some obscene books and pictures which were also illegal in Ohio.

They brought that evidence into court, and she was tried for possessing the obscene materials. If you were the judge at her trial, would you have allowed that evidence to be used against Mrs. Mapp?
(case of Mapp v. Ohio, 1961)

- Out in Block Island Sound a person in a small motor boat was seen unloading a large wooden crate off a cabin cruiser by two people passing by in a sailboat. They also saw him cover the crate with lobster pots and then head towards the shore. It was nearly dark, but the people in the sailboat were suspicious that the crate contained illegal drugs. They made a radio call to the Coast Guard, explained their suspicions and described the cabin cruiser and the small motorboat. The Coast Guard agreed the circumstances were suspicious and figured from the direction of the motor-boat that it would land very soon in Stonington or Westerly. They notified the Police Departments in both places. In Westerly Detective Trouver received the message.

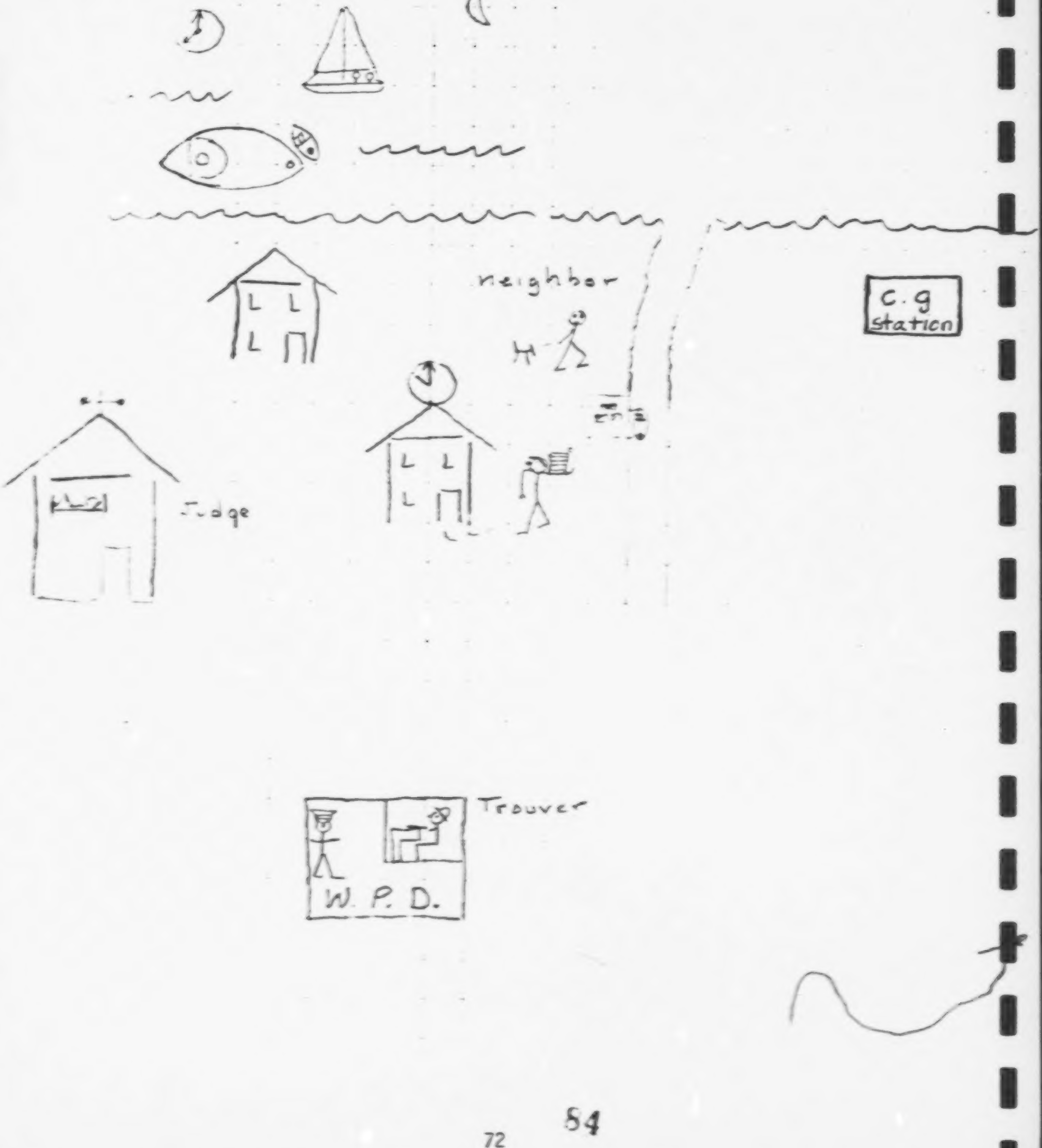
Shortly after dark, a man who lived near the Pawcatuck River in Westerly saw a man moor a small boat at a private dock and take a crate from under some lobster pots. He recognized the man was a neighbor whom he knew was not lobsterman or a fisherman. He watched the man carry the crate into his house. It looked suspicious, so as soon as he reached his home, he called the Westerly Police Department. He explained what he had seen to

Detective Trouver, adding that he had seen several odd looking people at his neighbor's house lately. Detective Trouver confirmed the name and address of the man seen with the crate.

On looking through the P.D. records, the Detective found that the man had a record of arrests for selling marijuana, and a record of arrests for carrying an unlicensed, automatic .22 caliber handgun. There had been no convictions on the drug charges, but there was a conviction on the gun charge. Detective Trouver also reread the message from the Coast Guard.

What do you think he should do?
(A story map of this incident on the following page)

4th Amendment - Story Map


neighbor
C.G station
Judge
Trouver
W. P. D.

Community Site Visit

The Police Department was an ideal place to learn about 4th Amendment rights in action.

- Making arrangements:
    * A call by a tutor to the public education (or public relations) officer arranged for the date and time, and an officer who would meet with the group.
    * The purposes of the visit were explained.
    * The arrangements for touring the facility were described by the officer to the tutor.
- Preparing for the visit :
    * Information about date, time, place, and name of the officer were given in writing to interested tutors and students.
    * Tutors and students reviewed the steps required for lawful searches and seizures, and ways these are enforced.
    * They discussed issues and problems raised by illegal drugs, and gathered clippings and articles on the topic.
    * One or two questions to be asked at the Police Department were developed by each tutor and student.
    * Phone numbers were exchanged in case of last-minute changes in plans.
- At the Police Department the group had a tour of the facility. Then the officer went through the steps required for lawful searches. He described some vivid local incidents involving 4th Amendment rights, and discussed the rules in the Police Manual which enforce procedures for making searches and taking evidence. He explained examples of what is meant by "probable cause" and the documentation an officer must give to a judge to obtain a search warrant. The sample Search Warrant on p. gave the tutors and students a good follow-up lesson and vocabulary review.

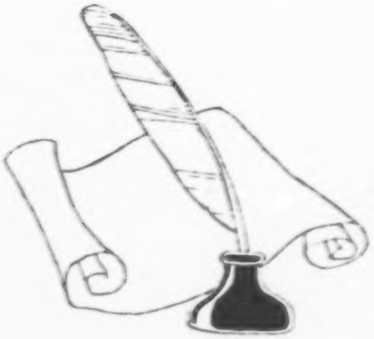
YOUR BILL OF RESPONSIBILITIES

- Think about what you should do if you find - or hear about - evidence of criminal activity. Would it make a difference to you if someone in your family were involved?

- If a police officer asks to come into your house, what are your responsibilities?

- If an officer asks to look into your car, what are your responsibilities?

- Consider your responsibilities if you believe a police officer has violated someone's right to privacy by disregarding the 4th Amendment rules. Would you be willing to testify in court? Or tell what you believe to a Police Review Board? Would you be willing to serve on a Citizens Police Review Board if you were asked to do so?



SAMPLE

Search Warrant

4TH Amendment

State Ex rel	**City/Town**	**County**
vs Respondent		TO: An Officer authorized by law to execute the within warrant,

Complaint and affidavit having been made to me under oath, and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the .... Division of the District Court of Rhode Island.

Place or person to be searched:

***********************************VOID****************************

Property or articles to be searched for:

**********************************VOID****************************

Name of owner, or keeper, thereof if known to complainant:

Said warrant shall be served in the daytime — may be served in the nighttime — within seven (7) days fom the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at .... in the county of .... this

.... day of ...., A. D. 19..........

....

Judge of the District Court
Justice of the Supreme/Superior Court

ACKNOWLEDGMENT OF RETURN

Warrant received on .... day of ...., 19.........., from

.... at ....

BDC 002CA (4-74)

....

Judge

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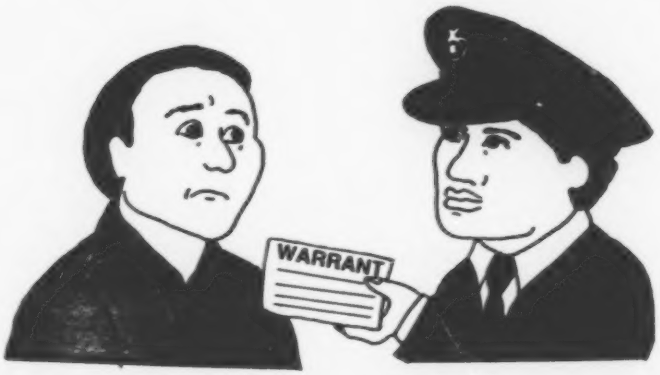
FROM A TUTOR'S JOURNAL

I read Rose the story of Gloristine Perkins from "The Bill of Wrongs," Hartford Courant, (December 15, 1991) and she was very sympathetic to the mess in Mrs. Perkins' house and her fright and the cruelty to her son.

I showed Rose what a search warrant looked like, and she also learned after our visit to the Police Department that she has the right to require a police officer to show his official identification.

Rose was concerned about policemen making mistakes. She had been frightened recently when she was walking near her home. It was early evening and a police cruiser pulled up beside her. Officers looked at her, said, "You're not the one," and drove off without another word. I explained they were guarding the area, but Rose feels they should have apologized, for frightening her.

SAMPLE OF STUDENTS WRITINGS



4th: Limits searches and seizures

Sometimes the police can make a mistake, too they mast have a reasonnable cause to stop a person or search a car. They mast have a warrant to enter your house.

FOURTH AMENDMENT

IN CZECHOSLOVAKIA THE LAW IS, THAT THE POLICE OR ANY PERSON CANT MAKE UNREASONABLE SEARCHES AND SEIZURES OF PERSONS, HOUSES, PAPERS AND EFFECTS WITHOUT WARRANTS FROM THE LOCAL COURT.

IN PAST TIME THE LAW WAS OFTEN VIOLATED AGAINST PEOPLE, WHO WERE DISSATISFIED WITH PAST REGIMES OF THE SOCIALIST SOCIETY. THOSE PEOPLE WERE ILLEGALLY KEPT IN JAIL.

Privacy - noun

Some things that I would like to be Private in my life
converstations with my husband
my family life
telephone conversations
Visa number
Social security number
check Book for the Bank
our income tax return
my husbands Business matters at the restaurant

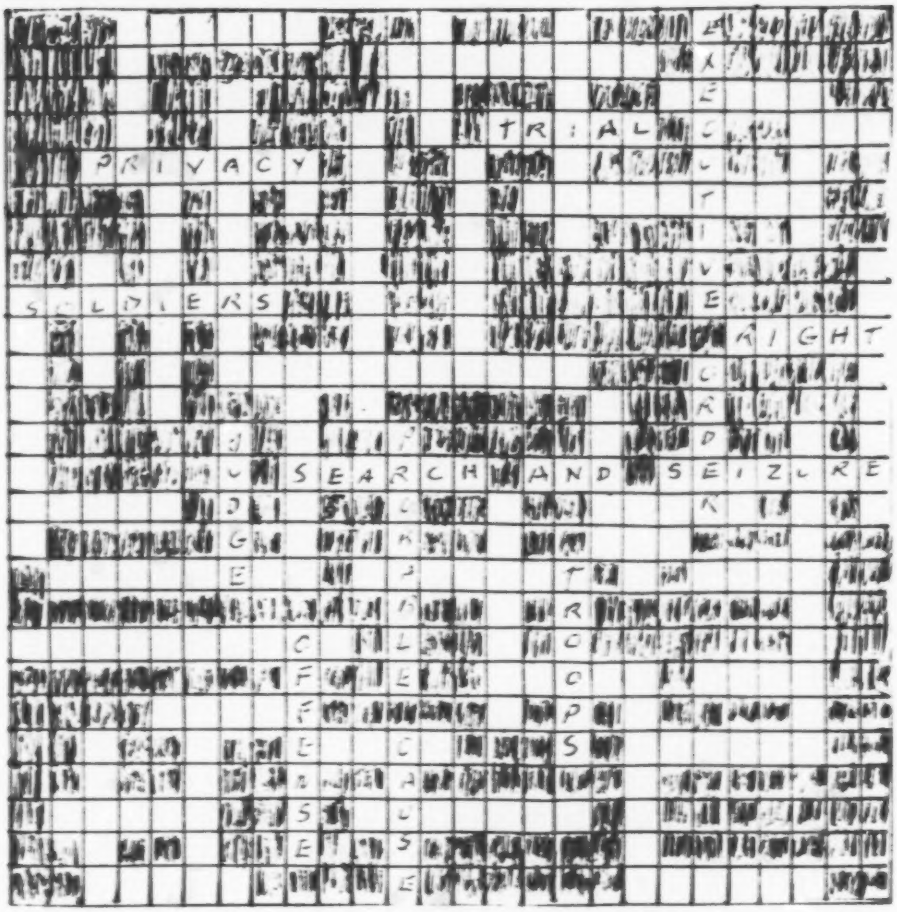
4th Amendment - Matching Activity

	matches	
1. search	d.	a. an order signed by a judge
2. seizure	f.	b. reason
3. warrant		c. a law
4. statute		d. to look for
5. proof		e. a place just for you
6. reasonable		f. the act of taking and keeping
7. suspicion		g. according to law, lawful
8. legal		h. good cause, justifiable
9. illegal		i. having reason to believe
10. private		j. not lawful
11. privacy		k. restricted for you, personal
12. violate		l. evidence, something to show
13. violation		m. likely to be true
14. probable		n. the act of breaking the law
15. cause		o. to break the law

Tell what each of the following means, and use in a sentence:

probable cause
search and seizure
reasonable suspicion

3rd & 4th Amendments Review


TRIAL
PRIVACY
SOLDIERS
RIGHT
SEARCH AND SEIZURE
EXECUTIVE ORDER
JUDGE
PROBABLE CAUSE
TROOPS
OFFENSE

*search and seizure
*probable cause
*executive order
*judge
*right
*privacy
*soldiers
*offense
dismissal
*troops
plea
arrest
*trial
hearing
judicial
truth
proof
consent

justice
recess
convict
statute
enact
laws
court
house

sentence
innocent
guilty
conviction
militia
warrant
declaration
punishment
punish
attorney
violation
infringe
quartered

own
Anne
Yi
Young
Julie
Wendy
tooth
paper
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today
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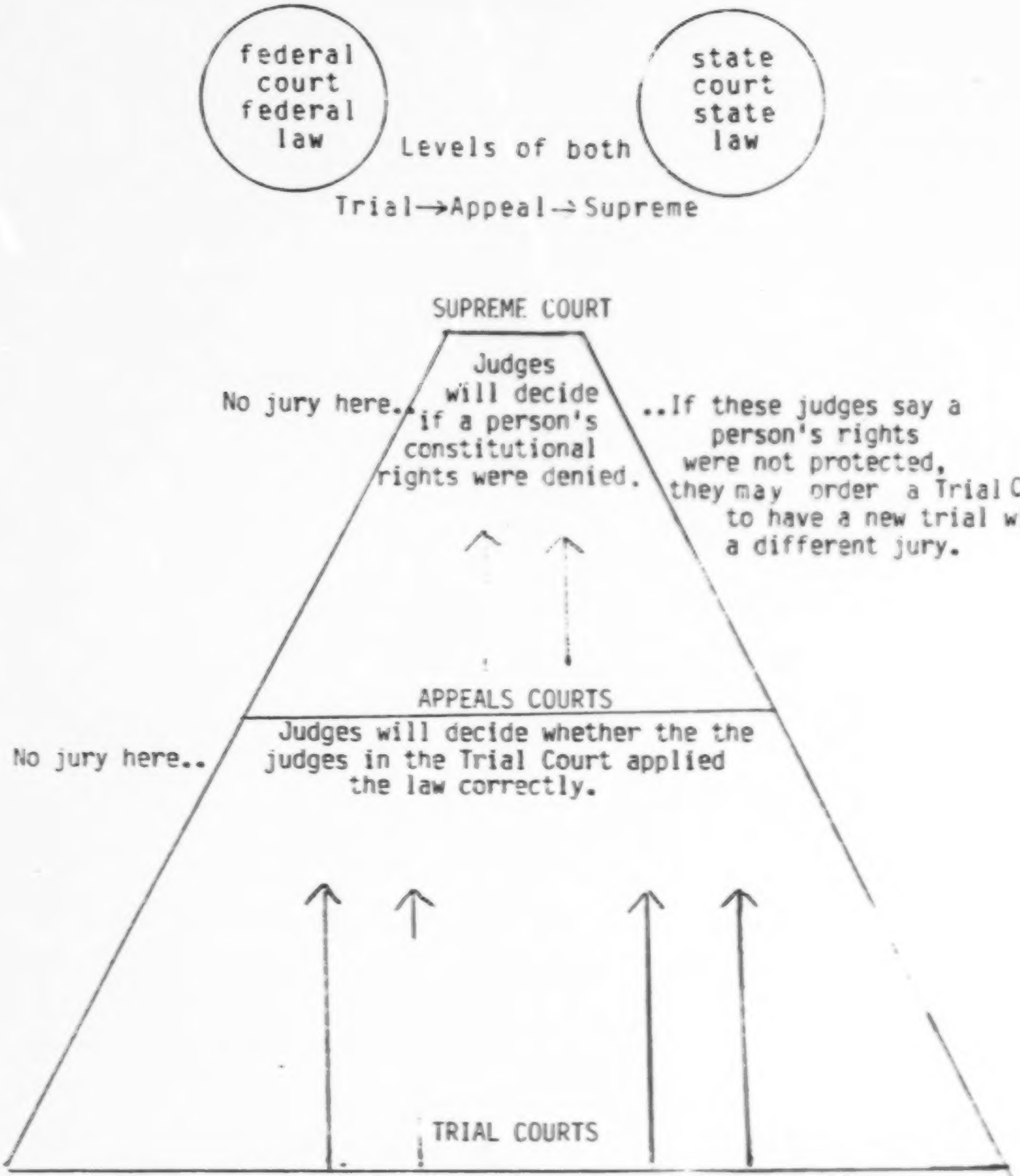
The Trial Amendments

Fifth, Sixth, Seventh, Eighth Amendments

Story map of American courts


federal court federal law
state court state law
Levels of both
Trial→Appeal→Supreme
SUPREME COURT
No jury here..
APPEALS COURTS
No jury here..
TRIAL COURTS
Jury.. here.

Judges will decide if a person's constitutional rights were denied.

..If these judges say a person's rights were not protected, they may order a Trial Court to have a new trial with a different jury.

Judges will decide whether the the judges in the Trial Court applied the law correctly.

The jury will listen to facts from both sides.
In a criminal case they will decide guilty or not guilty.
Judges will make sure both sides are heard fairly.
After a verdict of "guilty". the judge will tell the person what the punishment will be according to the law.
A person judged "guilty" has the right to appeal.

In a civil case the jury will decide what settlement is due for damages done by one person to another.

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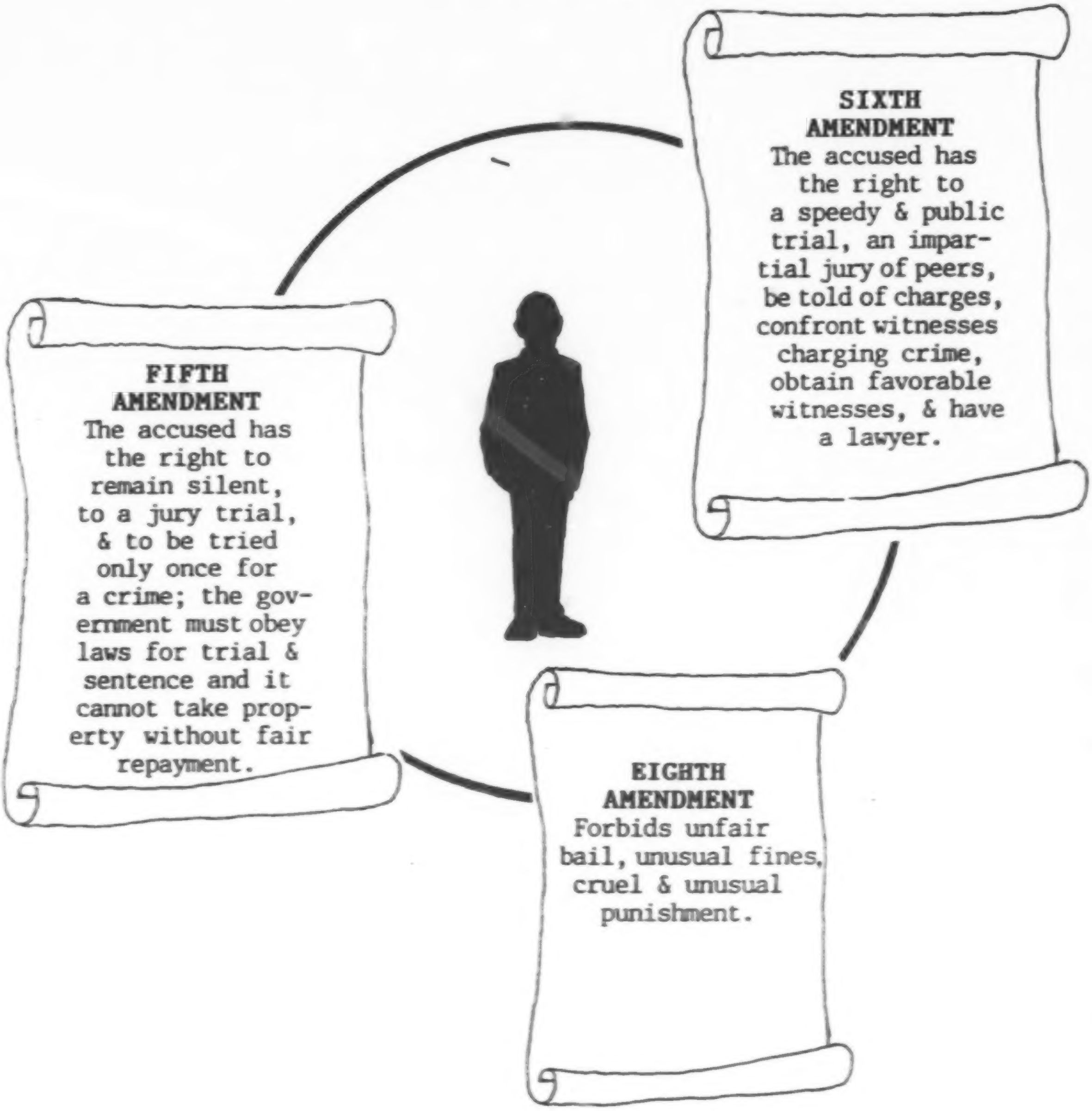
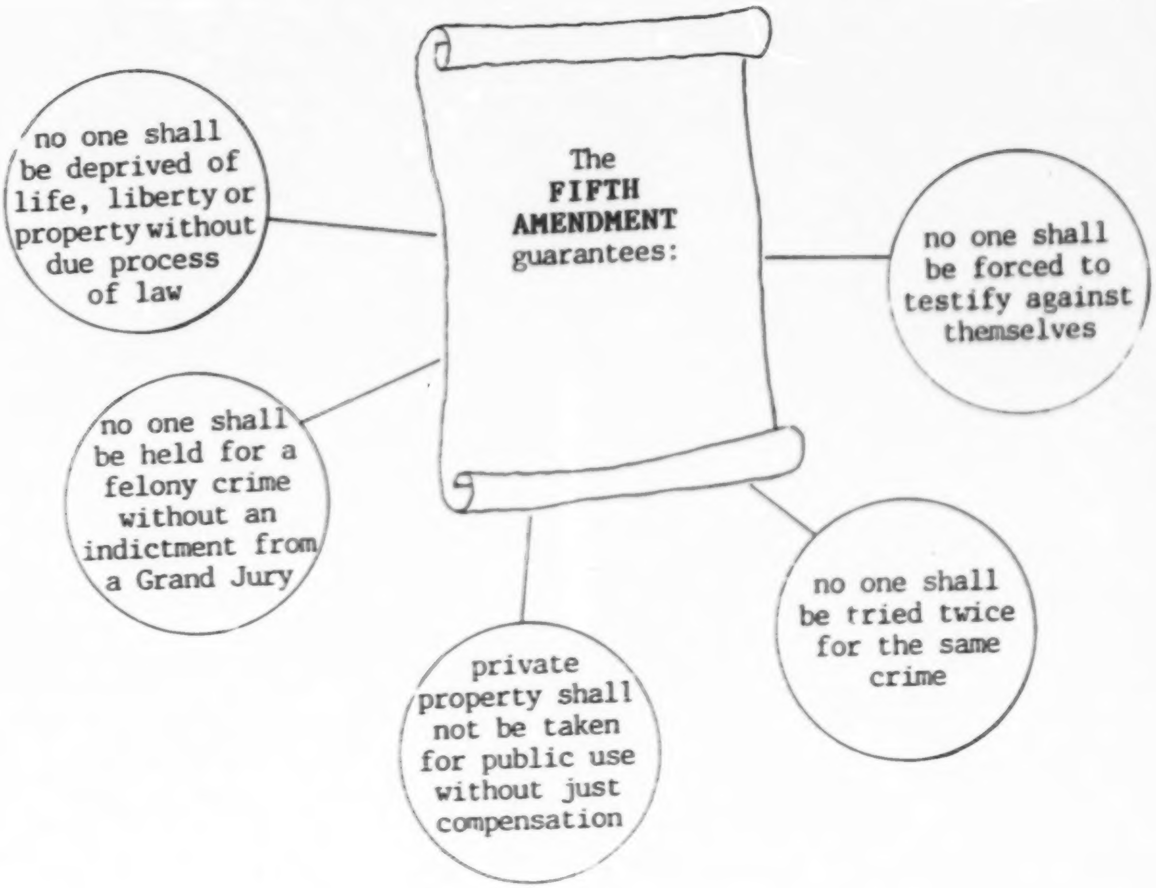
RIGHTS OF EVERYONE ACCUSED OF BREAKING A LAW



SIXTH AMENDMENT
The accused has the right to a speedy & public trial, an impartial jury of peers, be told of charges, confront witnesses charging crime, obtain favorable witnesses, & have a lawyer.

FIFTH AMENDMENT
The accused has the right to remain silent, to a jury trial, & to be tried only once for a crime; the government must obey laws for trial & sentence and it cannot take property without fair repayment.

EIGHTH AMENDMENT
Forbids unfair bail, unusual fines, cruel & unusual punishment.


The **FIFTH AMENDMENT** guarantees:

no one shall be deprived of life, liberty or property without due process of law

no one shall be held for a felony crime without an indictment from a Grand Jury

private property shall not be taken for public use without just compensation

no one shall be tried twice for the same crime

no one shall be forced to testify against themselves

THE FIFTH AMENDMENT

No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Language Development Activities

The 18th century language and syntax used in this Amendment are difficult for modern readers to understand, but the rights guaranteed in the 5th Amendment can readily be translated into contemporary words. Using the story map go through each part of the Amendment, underlining unfamiliar words.

(Note that the military forces are exempted from these protections when at war or in times of public danger. Talk about why this is so.)

- Using a dictionary and discussion, have the student work out a definition of each new word, adding it to the vocabulary box.
- Putting a new word into the context of its word family will build vocabulary and increase understanding. Examples :
  * testify, testimony, tested, test
  * indictment, indict, core syllable "dict," such as dictate, dictionary, predict, contradict, addict.
- Have the student practice using each new word in sentences.
- ESL students may work on pronunciation, and add new words to a sound box, dividing them by vowel sounds.
- Related vocabulary words to know:
  confess - confession
  charge - charged
  evidence
  force - enforce the law, law enforcers, police
  guilty
  innocent
  limit

protections - rights established in laws
suspect - suspected
testimony of a witness - facts given under oath
to commit a crime - to break a law
witness - a person who actually sees a crime being committed.

Discussion

- There are two kinds of laws:

Civil laws deal with matters between people, such as family, marriage, buying and selling, and private property.

Criminal laws tell people what they may not do because their act will harm the community. Every criminal law also tells people what the punishment will be if the law is broken. For example, the punishment for stealing a sweater from a store might be a fine of $100-$200, or 10-15 days in jail; the punishment for selling illegal drugs to children might be a fine of $20,000-$50,000 and 2 years in jail. Criminal laws are very clear about what will happen to a person who is found guilty of breaking a law.

Ask the student to give examples of civil laws and of criminal laws and of rules in their family. Are there some they would call "civil" rules? Others they would call "criminal" rules? And are punishments for breaking the "criminal" rules clear to everyone?

- There are also two kinds of crimes:

* A misdemeanor is a minor crime, such as shoplifting. The punishment is a fine of less than $1,000 and/or a term in jail of less than one year.

* A felony is a serious crime. The punishment is a fine of more than $1,000 and/or a jail term is more than one year.

- Again, go through the five rights guaranteed by the 5th Amendment. Ask the student to describe in his/her own words how each one would help a person who has been charged with a crime. For example, how is an accused person protected by the guarantee that he/she cannot be forced by the police to give evidence against himself/-herself; or by the guarantee that he/she can be tried only once for the same crime in which the police use the same evidence?

- Discuss the "right to remain silent," a phrase often heard on T.V. or seen in a newspaper account of a trial. Which of the five rights in the 5th Amendment guarantees this? Why is it important for a person accused of breaking the law to have this protection?

- Discuss the phrase "due process of law." For easier understanding, this may be translated into "steps written into laws which the government must follow when officials could take away any person's life, liberty or property."

  * Look back at Part I -FINDING RIGHTS IN HISTORY- to see where the phrase "right to life, liberty and property" came from.

  * Ask the student what happens in his/her family when a rule is broken.
  Who made the rule to begin with?
  Who enforces the rule?
  Who decides whether a suspected person is really the one who broke the rule?
  How is it decided? Is there evidence? Are there witnesses? Other proof?
  Who decides what the punishment will be?

  * For reference purposes, a summary of the due process steps required by the Constitution is included in the Appendix.

Homework follow-up

(A tape recorder may be used instead of a written exercise.)
- Write 2 or 3 sentences using each new word.
- Write about why the right to remain silent is important.
- Write out the steps your family follows when someone is suspected of breaking a rule. This is your family's due process.

Shared Reading

- The men who wrote the 5th Amendment believed special rights had to be guaranteed for people suspected of breaking a law. In England in the 1600's, people could be thrown into prison by the king's officials without being told why. Sometimes they were kept there for months and years, without knowing what law the government claimed they had broken, and without being given a trial. Some were tortured in terrible ways to force them to confess to a crime. Often the king's officials seized their land, house and other property, leaving their families with no home or money to live on. On occasion a judge would decide a man had not committed any crime and would let him out of prison. Then the king's officials might arrest him again, send him back to prison, and bring him before a different judge to be tried.

- In America, the Bill of Rights does not allow government officials to do any of those things. The men who wrote the protections in the 5th Amendment knew all about what happened in England where there were no clear laws to limit what the king's officials did to people. They realized that governments need many different powers to assure that people can live in safe, orderly communities. They also knew, however, that if government officials have too much power, or authority with no limits, some officials would abuse it. Therefore, in the Constitution they divided the powers of government between three branches; and they also divided powers and responsibilities between the state governments and the federal (or national) government. That is our system of checks and balances. They realized, furthermore, that every government still has more power, money, authority and officials to do its jobs than any individual has, so there must be special laws limiting what its officials may do to ordinary people. The basic ones are in The Bill of Rights. Other laws have been passed by Congress and the state legislatures which put more specific limits on what government officials may do to people.

- The jury system is one way a citizen may have a part in making sure that officials follow the laws and that everyone who is suspected of a crime is treated fairly.

    * Whenever a person is even suspected of breaking a law, he/she must be treated as though he/she is innocent until the government proves that he/she is guilty of breaking a law.

    * The first step the government must take is to prove to a group of citizens who are appointed to be a grand jury that the government has good (believable) evidence and witnesses which show the suspect probably committed the crime. If the grand jury decides the government has enough good evidence, it hands down an indictment. This is a document which permits the government officials to

go ahead with a trial of the suspect.

* At a trial, a petit jury (or a trial jury) will listen to the evidence and witnesses presented by both the government lawyer and the defense lawyer. Six to twelve citizens are called to sit on a trial jury. The government's lawyer is called the prosecutor. He/she charges that a law has been broken by the accused person, and he/she must prove that to the jury. The accused person is the defendant. His/her lawyer must prove to the Jury that the accused did not do what the prosecutor charges.

* The jury, after it listens to all the facts presented by both sides, will decide whether the accused is guilty as charged, or is not guilty. To give a verdict of "guilty as charged," every member of the Jury must be convinced that the defendant committed the crime "beyond a reasonable doubt," or "a doubt for which they can give a reason." Otherwise, if they have doubts after listening to both sides, they will give a verdict of "not guilty."

* If a citizen is called to serve on either a grand jury or a trial jury, he/she should do so if possible. It is one of the most important duties of American citizens. Having them as jurors in the courtroom to listen to evidence presented by both sides and make decisions about guilt or innocence is one basic way of assuring that trials will be fair.

You Be a Judge

- Suppose the government of your town wanted to take part of your yard for a new road. What does the 5th Amendment tell the public officials they must do?

- It has taken a long time for people to decide what is necessary for a fair trial. Here is a case and the way a court decided it at different times in the past. How fair do you think each trial was? How does each judge decide whether Mo is guilty or not guilty and what his punishment will be? How would you decide?

The case: A man and woman were married. The married woman fell in love with another man. The two of them ran away from Mo, the husband. Mo chased them and killed both of them.

The first judge in the Tribe's Court was Ola, the oldest man in the Tribe. Some of the men in the Tribe caught Mo and brought him before Ola saying he had killed two people. Ola had known Mo since he was a baby and was a cousin to Mo's father. He decided Mo should not be punished for what he had done.

The second judge was appointed by the Emperor who had conquered Mo's land. Mo was brought before him by the emperor's soldiers. They told the judge that Mo had killed two people. The judge asked Mo to tell what happened. Then he listened to the other men of the village tell about Mo and his wife and the other man. The judge didn't know much about the customs of the people in the village, but the Emperor had ordered him to be sure there were no troublemakers there. That judge sentenced Mo to work on a slave ship until he died.

The third judge was appointed by the king of Mo's country. Mo was caught by his soldiers and brought before the king with heavy chains on his wrists and his ankles. They told the king he had killed his runaway wife and the man, and also reminded the king that there were three unsolved killings in Mo's village. The king didn't give Mo a chance to say anything. He told the soldiers to take him back to prison and have the prison officials torture him to find out whether he knew anything about the three unsolved murders. Mo didn't know anything about them, but after hours of terrible torture, he said he had done them so the prison officials would stop hurting him. After he confessed, the judge sentenced him to be executed immediately.

The fourth judge was a clergyman. Mo was brought before him by people in the village. They told him Mo had killed two people. The judge told Mo that God would decide his guilt or innocence. He made Mo hold a hot stone in his hand. Then he wrapped Mo's hand in cloth. The judge told Mo it would be taken off in three days. If his hand showed no signs or scars of a burn, that would prove God believed Mo was innocent. If his hand had a blister, that was God's sign that Mo was guilty, and he would be hung by the neck until he died.

The fifth judge was appointed by the governor of a state. Mo was arrested by the police because they suspected him of killing two people. They asked Mo questions at the police station, but they told him he did not have to answer until he had a lawyer to help him. Mo was too poor to pay for a lawyer, so the court appointed a lawyer to help him. At his trial a jury of twelve people listened to the prosecutor present the government's evidence and witnesses against Mo. Then they listened to Mo and his lawyer tell his side of the story. A court reporter kept a record of everything that was said. The jury decided that Mo had killed the two people in a moment of rage of anger at his wife. The judge took into consideration that when he killed her and the other man, Mo was very angry and hurt about what his wife had done. The judge sentenced Mo to prison for the shortest possible time under the law for murder, and said he could get out sooner for good behavior in prison.

(Activity adapted from Courts And Trials, LAW IN ACTION SERIES, Reickes & Mahe, West Publishing Co., St.Paul, MN, 1980)

Community Site Visit

A tour of a police station will allow tutors and students an opportunity to see 5th Amendment rights in action. Most police stations have a Community Relations officer, or a Public Education Officer, or tutors may contact the Police Chief directly. It is important to explain the purpose of your visit, and, if possible, to meet ahead of time with the Officer who will talk with your group.

Most police stations provide tours of the facility to school classes and police officers are accustomed to explaining to lay people what procedures they follow when making an arrest, charging people with committing a crime, etc. When talking with the officer guiding your group, be sure he/she specifically connects those procedures to the rights being studied. Remind the students that the procedures are written into laws and rules in a Police Manual. They are also part of each police officer's training. If the officer with your group becomes too technical in his/her explanations, ask him to describe a real-life situation and then go step-by-step through what he would have to do.

Students should come prepared to ask at least one question during the tour. Be sure the Officer knows this and gives plenty of opportunity for the questions and discussion.

During a visit the officer may give out copies of forms the police use when making an arrest or charging a person. These are quite technical. If a student is really interested, the forms may be studied for both new vocabulary and detailed information, but the general purpose of each form should be understood by everyone. This is a good time to explain to students that the 5th Amendment gives the right to remain silent and the 6th Amendment gives the right to have the help of a lawyer when the police question a person about a crime. Students should know that no papers should be signed until a lawyer, and if necessary an interpreter, is present to help them understand what they are signing.

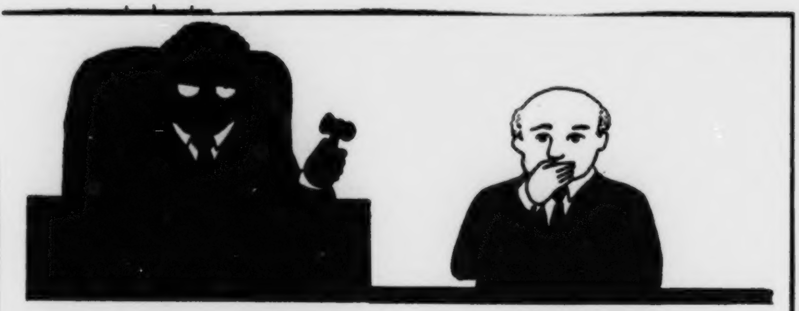
- Before your visit
    - * Explain the date, time and place where you will meet. Check on the student's transportation. Exchange phone numbers in case of last minute changes in plans.
    - * Review basic vocabulary words which will be used. Explain what you will see on the tour, especially what will relate to Amendments being studied.
    - * Have the student work out one or two questions to ask the officer at the site.

- Follow up the visit with:
    - * student writing in his/her journal (or taping) about information and impressions gained from the visit
    - * discussing answers to the student's questions asked during the visit
    - * discussion and reviewing exactly what protections there are in procedures the police must follow when they deal with a person suspected of breaking the law. This is a good chance to encourage a student to summarize these rights in his/her own words.

YOUR BILL OF RESPONSIBILITIES

- Think about serving on a jury if you are called by the court to do this.
- Think about reporting a crime you have seen to the police. How would you feel about giving evidence in a trial?
- What responsibilities do the police have? Should you help them to find evidence against someone suspected of a crime? How about if the suspected person is a member of your family?

SAMPLE OF STUDENT WRITING



5th: The right to due process of law, including protection against self-incrimination

A person does not have to confess.

to a crime.

BEST COPY AVAILABLE

Review activity - 5th Amendment

Ask the student to match the words in Column A with the right definition in Column B.

Column A	**matches**	**Column B**
1. civil law	___c____	a. to ask a higher court to review your case
2. criminal law	___e____	b. to let go, or give up a rights
3. appeal	_______	c. laws for public health and safety
4. a felony	_______	d. a group of citizens who decide whether the government has good evidence that a person committed a crime.
5. indictment	_______	e. laws that tell what acts are forbidden
6. waive	_______	f. the legal steps a court must take against a person accused of a crime.
7. confess	_______	g. a serious crime with a serious punishment if the person is guilty.
8. just compensation	_______	h. a document which orders the court to go ahead with the trial of a person suspected of a crime.
9. a suspect	_______	i. to admit guilt
10. grand jury	_______	j. a fair price for property
11. a misdemeanor	_______	k. acts the police say you have done which are against the law
12. property	_______	l. a person the government thinks has committed a crime, but has not yet proven guilty.
13. charges	_______	m. a minor crime with minor punishment if the person is found guilty.
14. due process	_______	n. what a person owns legally

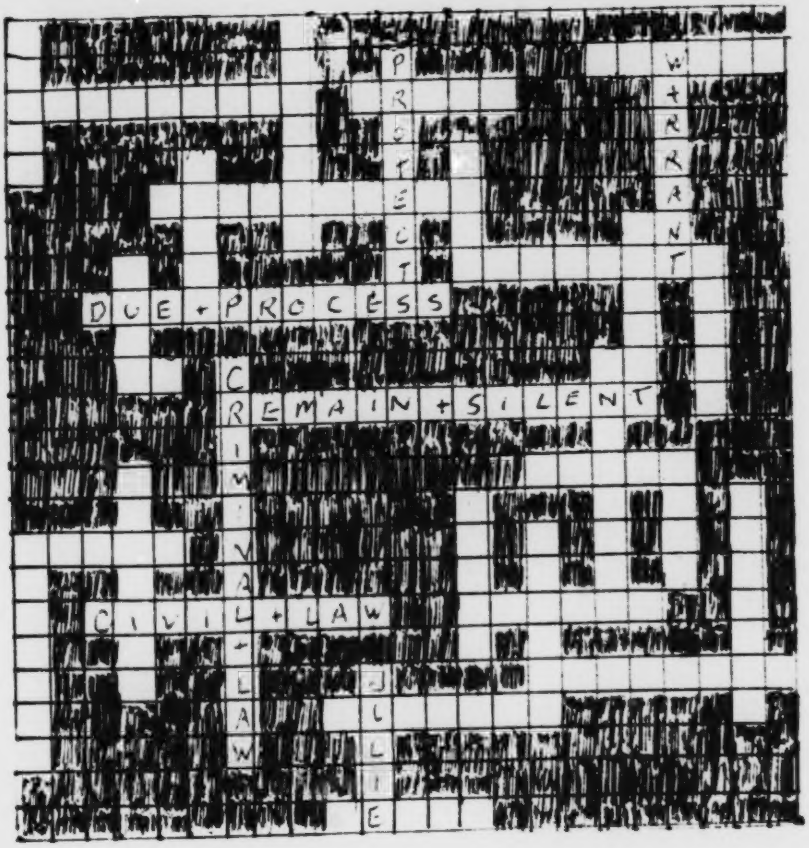
Complete these sentences

Self-incrimination means a person can not be _________ to be a __________ against himself.

Once a jury has said a person is __________ of the charges against him, he may not be _____________ again for the same _______________.

.The government may not take away a person's ______, ________ or ________ without _______ __________ of law.

5th Amendment Review


PROTECT
WARRANT
DUE+PROCESS
REMAIN+SILENT
CRIMINAL+LAW
CIVIL+LAW
JULIE

*due process
*criminal law
*civil law
guilty
innocent
arrest
waive
crimes
*remain silent
proof
jury

court
confess
Anne
Yi
Young
Julie
Wendy
David
property
evidence
offence
summons

violation
indictment
stop
trial
fine
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an

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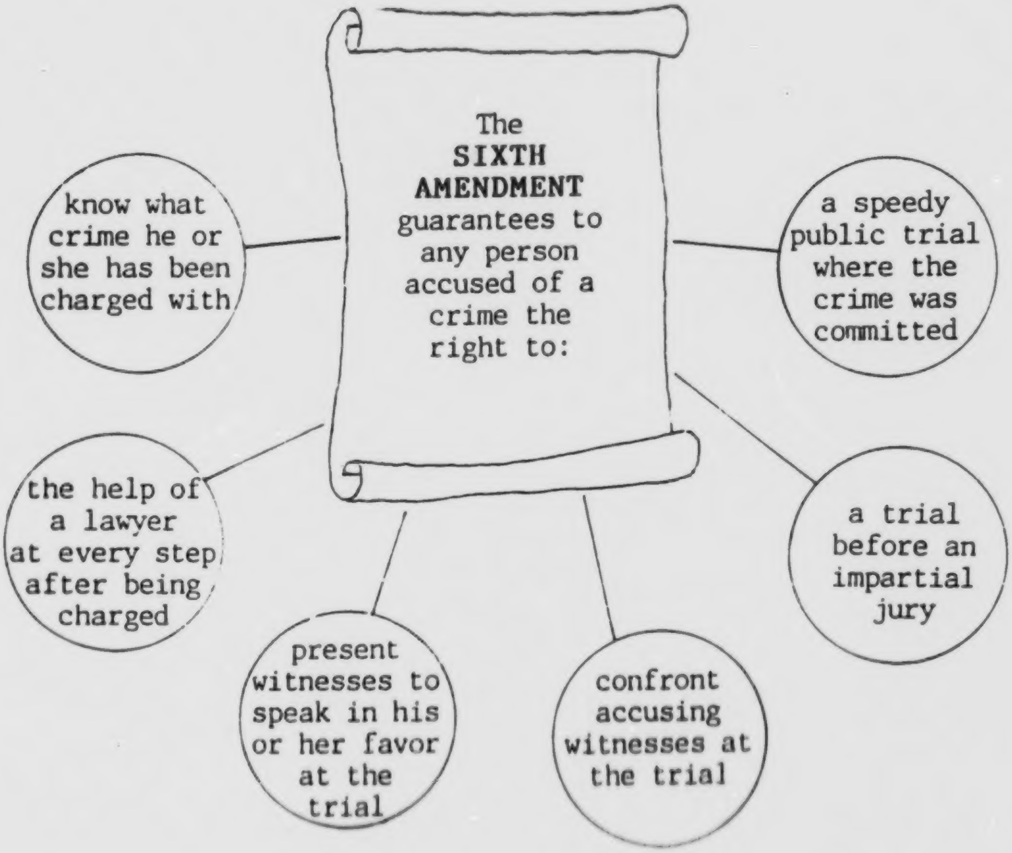

The SIXTH AMENDMENT guarantees to any person accused of a crime the right to:
know what crime he or she has been charged with
a speedy public trial where the crime was committed
the help of a lawyer at every step after being charged
a trial before an impartial jury
present witnesses to speak in his or her favor at the trial
confront accusing witnesses at the trial

THE SIXTH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Language Development Activities

As in the 5th Amendment, the 6th is written in 18th century, legalistic language and syntax. The simplified, modernized sentences in the yellow story map will be easier for students to read and understand.

Using the story map, have the student read each of the six rights guaranteed by the Amendment, underlining unfamiliar words. Then with a dictionary and discussion, have the student work out a definition of each new word in his/her own words. The words and definitions may be added to the vocabulary box, and for ESL, to the sound box.

Next the new words may be used in sentences written by the student with the help of the tutor. For this step it may be helpful if the student imagines being accused of a crime. What help or protections would he/she want to have? Reviewing the trials of Mo in the 5th Amendment unit would reinforce ideas about what ought to be done to make a trial fair.

- Related vocabulary words and phrases to know:

    * alleged - may have broken a law or may be guilty of a crime but that has not been proven. In the American system of courts, a person is innocent until proven guilty in a trial. Until a jury says the evidence proves that a person is guilty beyond a reasonable doubt, the police, attorneys, and everyone should say "the alleged criminal".

    * appeal a case to a higher court - ask a group of judges in another court whether the laws were correctly used in the trial court. This is a good time to explain that American

courts are arranged like a pyramid. See p. 81 for a diagram. It applies to both State and federal courts.
* waive a right - voluntarily to give up one of the rights guaranteed in an Amendment.

Shared reading and discussion

The men who wrote the Bill of Rights wanted to be sure that people who are accused of breaking laws by the government will be treated fairly. They should not be hurt by the police, and they should be given a fair chance to explain their side of the story. These basic rules for fairness are stated in the 5th and 6th Amendments. Many cases decided by judges have made the meaning of the rights in the Amendments more specific. They have set down more rules which the police, juries, lawyers and judges must follow when a person is accused of breaking a law. These are called "due process" rules.

Here are the steps the courts have said are necessary for a fair trial.

Remember -

* Every alleged criminal is innocent until a jury decides he/she is guilty as charged.
* If he/she is guilty, he/she may have his liberty taken away (prison), or his life (the death penalty), or his property (a fine)...BUT ONLY IF THE DUE PROCESS RULES ARE FOLLOWED EXACTLY.

*Step 1 - The person is accused of committing a crime. At this step the person must be told exactly what law(s) the government claims he/she has broken. This is usually done by the police or by a government attorney (the prosecutor), at the time of arrest. This is called "the charge".

*Step 2 - Every accused person has the right to a lawyer to help him/her to defend himself. The courts have said the government must pay for a lawyer if a person is too poor to hire one. The accused person has this right starting with Step 1.

*Step 3 - If the crime is serious (a felony), the prosecutor will have to prove to a grand jury he/she has enough evidence about the crime to bring the person accused of committing it to a trial. If the prosecutor can show there are good reasons for having a trial, the grand jury will give an indictment. This document tells the government to go ahead with the trial.

If the crime is a misdemeanor, the prosecutor will show his evidence to a judge. The judge will then decide whether or not to have the trial.

*Step 4 - The first step in a trial is the arraignment. At that time the judge will again tell the accused person what law(s) the government charges he/she has broken. Then the person will tell the judge either that he/she is "guilty as charged," or that he/she did not do what he/she is accused of doing (pleads "not guilty").

If the person pleads "guilty", there will be no trial, and the judge will set a date for sentencing him/her.

If the person pleads "not guilty", the judge will set a date and place for a trial, and will make sure the person has a lawyer to help with his/her defense. The trial must be held 30 to 60 days after the arraignment, and it will be open to the public. That meets the requirements for a "speedy and public trial" in the 6th Amendment.

*Step 5 - Before the trial date, the government's lawyer and the lawyer for the accused person will gather all the facts about the incident they can discover. They will talk with witnesses. Then each will plan how to use the evidence and witnesses to prove his or her side of the case.

*Step 6 - On the day of the trial, the accused person must be in court. He is again told by the judge what law(s) the government charges he has broken. Then the process of choosing a jury begins. The lawyers on both sides may question the people called for jury duty and decide which ones they want to have hear the case. The judge will watch carefully to be sure the jury members are people who can listen to all the evidence on both sides with an open mind so they can come to a fair decision (an "impartial jury of their peers").

*Step 7 - The judge is an impartial referee at a trial. It is his responsibility to make sure all the rules for a fair trial are followed. He will begin by explaining to the jury what laws apply to this case. Then he will tell each lawyer when it is his turn to speak.

. First each lawyer will make an opening statement to the jury. This will tell what they will try to prove by the evidence and the witnesses they will present in court.

. Next, while the jury listens, the government's lawyer will present his evidence, and will go over with his witnesses what they say happened during the crime (examining the witnesses).

. The lawyer for the accused person will then question the government's witnesses to show the jury whether or not they are telling the whole truth. (cross-examination of witnesses).

. Next, the accused person's lawyer will present his facts to the jury and examine witnesses who favor the accused person.

. The government's lawyer then has his turn to question those witnesses to show the jury whether they are telling the whole truth. (cross-examination)

*Step 8 - After all the facts have been presented by both sides, and all the witnesses heard, each lawyer will sum up the evidence which supports his side of the story. Each one will try very hard to convince the jury that his or her side of the story is what really happened.

*Step 9 - Next the judge will explain the law(s) which apply to this case and will tell the jury to reach a decision based only on what they have heard in the courtroom. The jury will meet in a private room where they may discuss freely what both sides presented. All of them must agree on the verdict.

.If they decide the evidence and the

witnesses convinced them beyond a reasonable doubt that the accused person did break the law, they will say he/she is "guilty as charged".

. If they agree that they have reasonable doubts about the evidence and witnesses, and believe those were not enough to convince them that the person broke the law as charged, they will say he/she is "not guilty as charged"

*Step 10 - They will then go back to the courtroom. There they will announce their verdict in public to the accused person, the judge and the lawyers.

*Step 11 - If the verdict is "not guilty", the person is free to go home. If the verdict is "guilty", a date will be set by the judge to sentence the person. The punishment must be according to the law(s) which the jury decided he/she broke. Then the person is taken to prison to wait for sentencing by the judge.

*Step 12 - If a person is judged "guilty", he/she has the right to appeal the verdict to a higher court. There the judges will look at whether he/she had a fair trial and whether the laws were correctly followed.

Writing Activity

As tutor and student read the Steps above together, have the student make a separate card for each Step. For writing and review, ask the student to tell in his/her own words what happens at each Step. Use pictures if this helps to understand the due process steps.

* At the next session, ask the student to put the cards in the correct order.

* Ask the student to tell or write what each Step does to make a trial fair. What would happen if one Step were left out?

* Match each Step to one of the rights in either the 5th or the 6th Amendment.

* Talk, or write, about the responsibilities of each of the people involved in a trial - the judge, the jury, the lawyer for the government, the lawyer for the accused person, the witnesses, and the accused person, and the Court reporter.

You Be A Judge

A young man named Ernesto Miranda was arrested in 1963. The police accused him of raping a young girl. They asked him a lot of questions at the police station. He was scared, so he answered them. After several hours he became so frightened and confused that he told them he had raped the girl. The police wrote down what he had said and told him to sign the paper. Ernesto could barely read. No one there would tell him what was written or what he should do, so he wrote his name at the bottom of the page.

Did the police protect his rights in the 5th and 6th Amendments?

At his trial the government's lawyer read to the jury the paper he had signed in the police station. The lawyer said it was Ernesto's confession that he was guilty of raping the girl. Ernesto's lawyer told how the police had questioned him and had persuaded him to sign the paper. But considering the signed confession, the jury agreed with the government's lawyer that he must be guilty. The judge sentenced him to 20 to 30 years in prison.

Were Ernesto's rights given to him at his trial?

Ernesto's lawyer appealed his case. He said some of Ernesto's rights in the 5th and 6th Amendments were not given to him by the police.

What rights were not given to him at the police station?

The U.S. Supreme Court agreed with Ernesto's lawyer. The Justices said he had a right to a new trial, and the police could not use the confession he had signed as evidence for the new jury. The Justices also set new rules about what the police must tell each person as soon as they accuse him/her of a crime. These are called the Miranda Rights.

The police must say :

1. "You have the right to remain silent. Anything you say can be used against you in a court".

This means: You do not have to say anything. You do not have to answer questions the police ask except to give them your name and address. If you do say something, the police can use it as evidence in court.

2. "You have the right to speak to a lawyer, and to have the lawyer present when the police question you."

This means: You may ask for a lawyer and talk with him/her about what is happening. You do not have to answer any questions until a lawyer is present with you.

3. "If you want to have lawyer and cannot afford one, a lawyer will be appointed for you to help you without cost to you."

This means: If you do not have the money to pay for a lawyer, the court will appoint one to help you. (Lawyers who are appointed in this way are called Public Defenders.)

4. The police officer will the ask, "Do you understand these rights as I have explained them to you?"

This means: Do you understand what your rights are? If the accused person does not understand, the officer must explain them again. If the person does not understand English, he/she has the right to ask for an interpreter. All questioning must stop until the person has a lawyer present and an interpreter if one is needed.

Community Site Visit

In addition to visiting the police station to see 5th and 6th Amendment rights in action, tutors and students are encouraged to visit a trial court. All trials of adults are open to the public. Where is this guaranteed? Why is it important for fair trials?

- Preparation for a visit

* The help of a lawyer or a judge is necessary because they will know the court's schedule and what cases are being tried. Explain what the purpose of your visit is, especially what rights and steps in the court process

you hope to see in action.

Remember - trial are often slow, with a lot of talking which is not very easy for lay people to understand.

* Review the vocabulary your student has studied but explain they may hear many other unfamiliar words. Those can be discussed later.

* Review the people you will see in the courtroom, and what each one does during the steps of a trial.

* Be sure the date, time and place are clear. Exchange phone numbers in case of last minute changes. Make sure of plans for transportation, and meeting together before going into a courtroom.

* Inviting a lawyer to accompany the group during the visit will be very helpful.

- During the time in court

* No talking is allowed.

* Write down vocabulary that is unfamiliar; and take notes on questions to discuss after the visit.

* The judge may take time during "recess" to talk with your group, or he/she may have time at the close of the session. This should be arranged ahead of time.

* The bailiff, or sheriff, is in the court to keep order and to tell the public what to do. Follow his directions.

- Follow-up - for homework or discussion

* A student may tape or write down impressions of what was seen in the courtroom, who was there and what each one did.

* Reviewing the Amendments with a student to understand which rights they saw being given to the defendant.

* The student may draw a diagram of a courtroom to show who sat where.

* The tutor should make sure an ESL student understands

that any person who is not proficient in English can require that an interpreter be provided at his/her trial, or when he/she is a witness in the court, as well as in dealings with the police. Furthermore, the ESL student should understand that these, and other rights in the Bill of Rights, are guaranteed to non-citizens.

YOUR BILL OF RESPONSIBILITIES

- What about serving on jury duty if you are called.

- What about being a witness and telling what you know about an accused person during a trial?

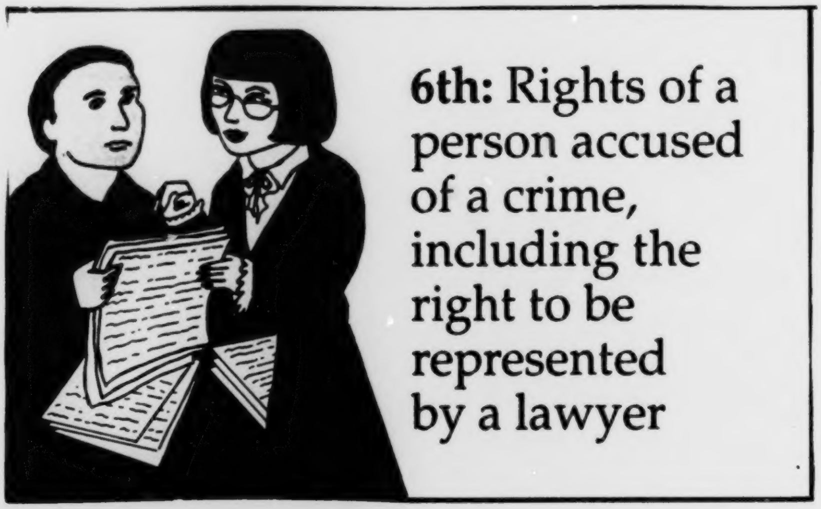
- If a person is assumed to be innocent until a jury decides he/she is guilty, how should you talk about him/her before the verdict?

- Supposing you had some evidence about a crime which no one else had. What should you do with it?

SAMPLE FROM TUTOR JOURNAL

Following our visit to Judge Turano's court. I went over with Rose the steps taken in a trial by jury. She found difficulty in following the processes.

We talked about a jury and how it is chosen and how it reaches a decision. I told her of my experience on a jury in a civil suit, and how excited I was when I experienced justice being served by the agreeing of twelve disparate persons.



6th: Rights of a person accused of a crime, including the right to be represented by a lawyer

If a person cannat afford a lawyer.

The Court will pay for a lawyer for you

SIXTH

- Every member of the jury must be impartial, and he must not discriminate against black or white people; women or men.
- Judge must give every accused person the same conditions for his defense.

AMENDMENT VI.

THE SIXTH AMENDMENT SPEAKS ABOUT THE COMPULSORY PROCES FOR THE ACCUSED PERSON.

IN CZECHOSLOVAKIA THERE IS A DIFFERENT SYSTEM IN THE CRIMINAL PROCESS. THE ACCUSED PERSON HAS THE RIGHT TO A COMPULSORY AND SPEEDY TRIAL. A CRIMINAL TRIAL MUST OCCUR WITHIN 30 DAYS.

IN U.S.A. THE ACCUSED PERSON HAS THE RIGHT TO AN IMPARTIAL JURY. IN CZECHOSLOVAKIA A PERSON DOESN'T HAVE THIS RIGHT. AN IMPARTIAL JURY DOESN'T EXIST IN CZECHOSLOVAKIA. THERE IS ONLY ONE IMPARTIAL PERSON AT THE TRIAL, WHO IS KNOWN AS THE JUSTICE OF THE PEOPLE. THIS PERSON PARTICIPEITS LIKE A SOLICITOR. THE JUSTICE OF THE PEOPLE IS ELECTED BY THE PEOPLE OF THIS OFFICE. AT EVERY TRIAL THE FOLLOWING PERSONS PARTICIPATE:

- PLAINTIFF
- PLAINTIFFS LAWYER
- ACCUSED PERSON
- LAWYER FOR DEFENDAND
- JUDGE
- PROCURATOR
- WITNESSES
- JUSTICE OF PEOPLE

1) THE IMPARTIAL JURY DECIDES, IF DEFENDANT IS GUILTY OR NOT GUILTY.

2) IF THE JURY MEMBERS DO NOT AGREE ON A CASE, THE TRIAL WILL START AGAIN WITH OTHER JURY.

3) THE ATTORNEYS ASK QUESTIONS OF ALL PEOPLE WHO RECEIVED LETTERS (about jury duty). SOME OF THE PEOPLE ~~DID~~ were NOT CHOOSEN AND THEY WERE SENT BAC

4) ATTORNEYS GO TROUGH A LOT OF TROUBLE TO FIND THE RIGHT JURORS - THEY WANT THE DEFENDANT TO HAVE A FAIR TRIAL.

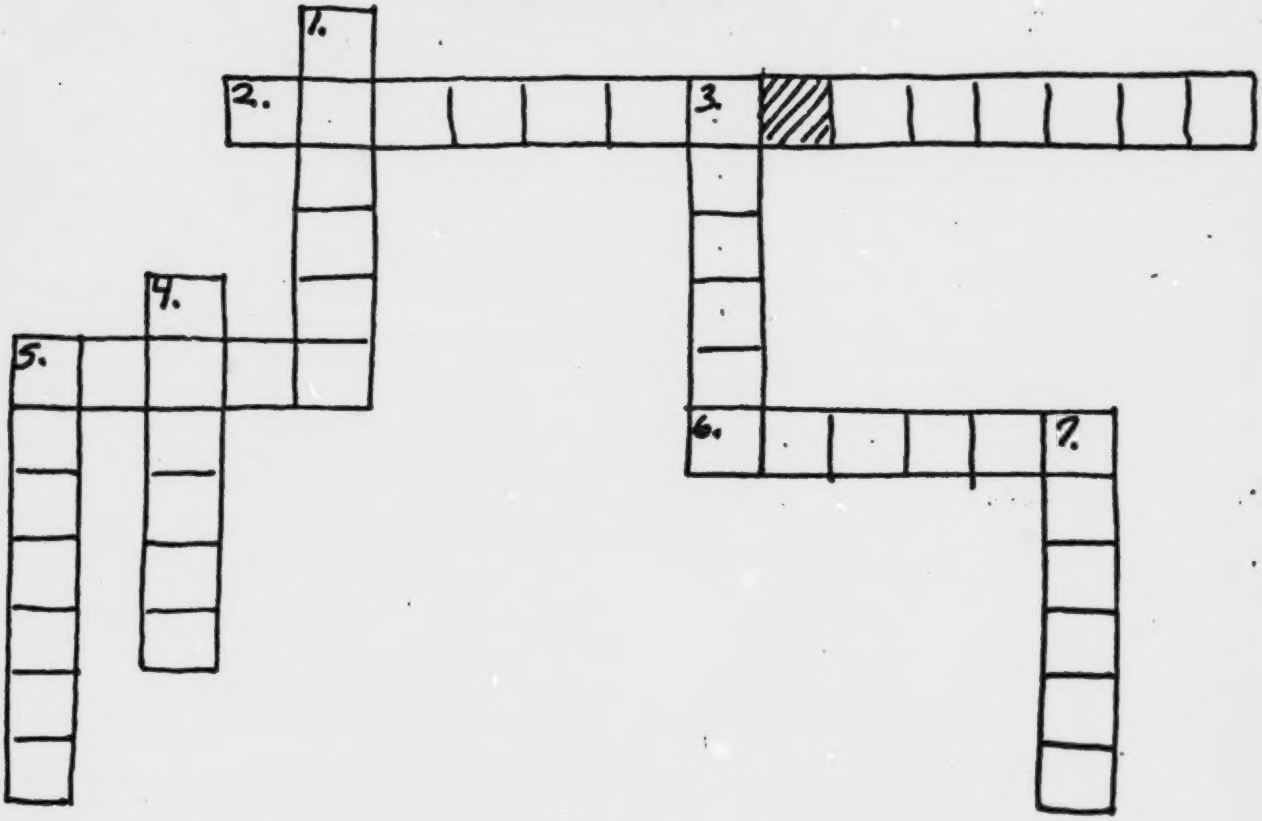
D) - THE ALL JURY MEMBERS MUST AGREE, IF ACUSSED PERSON IS GUILTY OR NOT GUILTY.

- THE WITNESSES ANSWER AT THE JUDGES, THE ATTORNEYS QUESTIONS.
- THE COURTHOUSE IS BUILDING, WHERE TAKE PLACE THE FAIR TRAIL.
- IN UNITED STATE EVERY ACUSSED PERSON HAS RIGHT TO A FAIR TRIAL.

SAMPLE STUDENT ACTIVITIES

(adapted from CRIMINAL JUSTICE, THE POLICE AND YOU,
Constitutional Rights Foundation, Los Angeles, CA.
Experimental Draft)

THE MIRANDA RIGHTS
CROSSWORD PUZZLE



ACROSS

2. the rights an arresting officer must read
5. a place where trials are held
6. a person who has been trained in the law

DOWN

1. to be quiet
3. to make a request
4. the opposite of "innocent"
5. to admit to guilt
7. "You have the right to________ silent."

CREATE YOUR OWN CROSSWORD PUZZLE

Use these words: arrest, police, prison, evidence trial, public defender, court, jury, lawyer, crime

ACROSS
1.
2.
3.
4.
5.

DOWN
1.
2.
3.
4.
5.

Review activity - 6th Amendment

Ask the student to match the words in column A to the definitions in B

A	Matches		B
1. jury	______	a.	did commit the crime
2. verdict	______	b.	lawyer for the government
3. guilty	______	c.	a group of people who hear the evidence at a trial, and decide who is telling the truth
4. prosecutor	______	d.	decision of the jury
5. public defender	______	e.	what really happened in a crime
6. proof	______	f.	an act that is against the law
7. crime	______	g.	facts that help to discover the the truth
8. evidence	______	h.	a person who has seen what happened
9. criminal	______	i.	lawyer for the defendant
10. truth	______	j.	where judges and juries do their jobs
11. summons	______	k.	something that shows the truth
12. court	______	l.	the person found guilty
13. witness	______	m.	the person accused of a crime
14. defendant	______	n.	an order to appear in court.

Complete these sentences.

A person accused of a crime is ________ until proven __________.

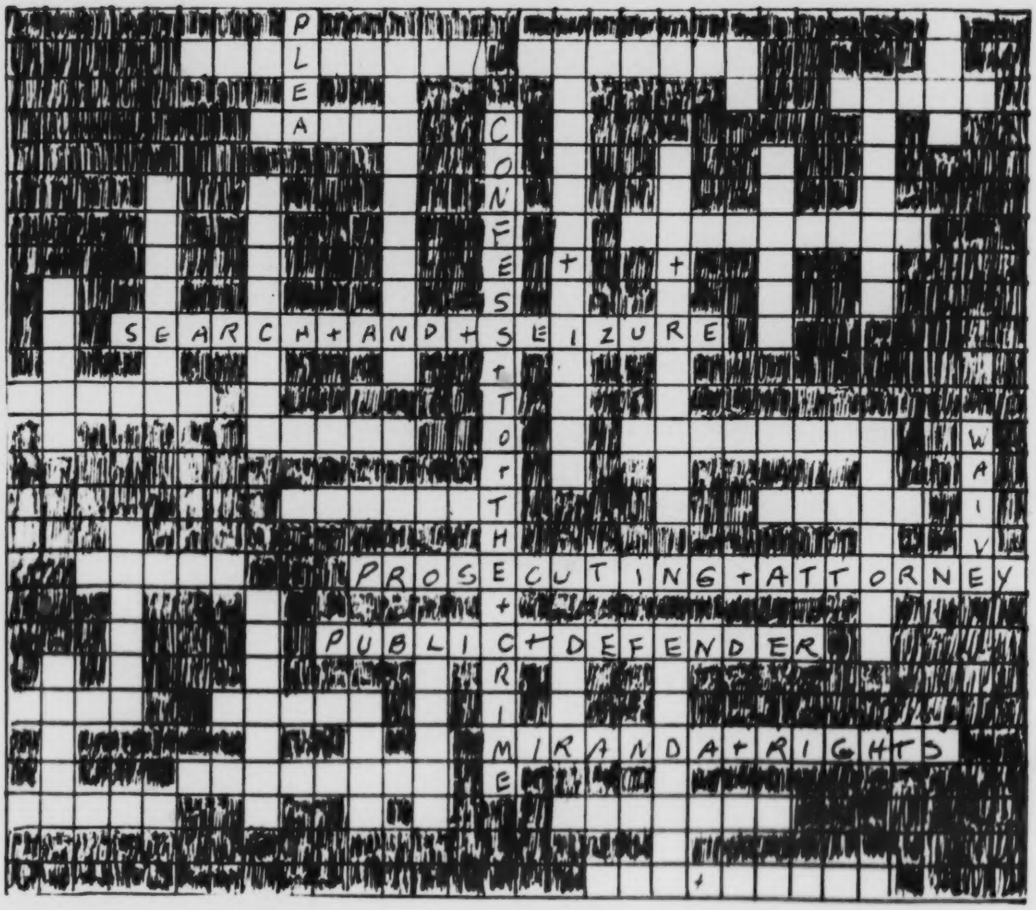
When the police accuse a person of a crime, they must tell him his ______________ Rights. These tell him :

1. He has a right to remain __________. If he says anything, it may be __________ in _________ as _____________ against him.
2. He has the right to a __________ to ___________ him.
3. If he cannot pay for a _________ , the _____________ will appoint one.
4. The police will _____________ these rights again if the person says he does not _____________ them.

A suspect does not have to answer questions of the _____________ until a ________________ is present to _________________ him.

A foreigner who does not speak English well may ask for an __________________.

6th Amendment Review


PLEA
CONFESS+TO+THE+CRIME
SEARCH+AND+SEIZURE
PROSECUTING+ATTORNEY
PUBLIC+DEFENDER
MIRANDA+RIGHTS
WAIV

*confess to the crime
*prosecuting attorney
*oublic defender
*Miranda Rights
*search and seizure
evidence
summons
lawyer
remain silent
due process
indictment
hearings
privacy
pre-trial
witness

verdict
sentence
fine
jury
judge
violation
proof
trial
guilty
innocent
confess
warrant
defendent
crime
arrest

*plea
court
punish
*waive
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Young
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Julie
Wendy
Anne
David
Deer

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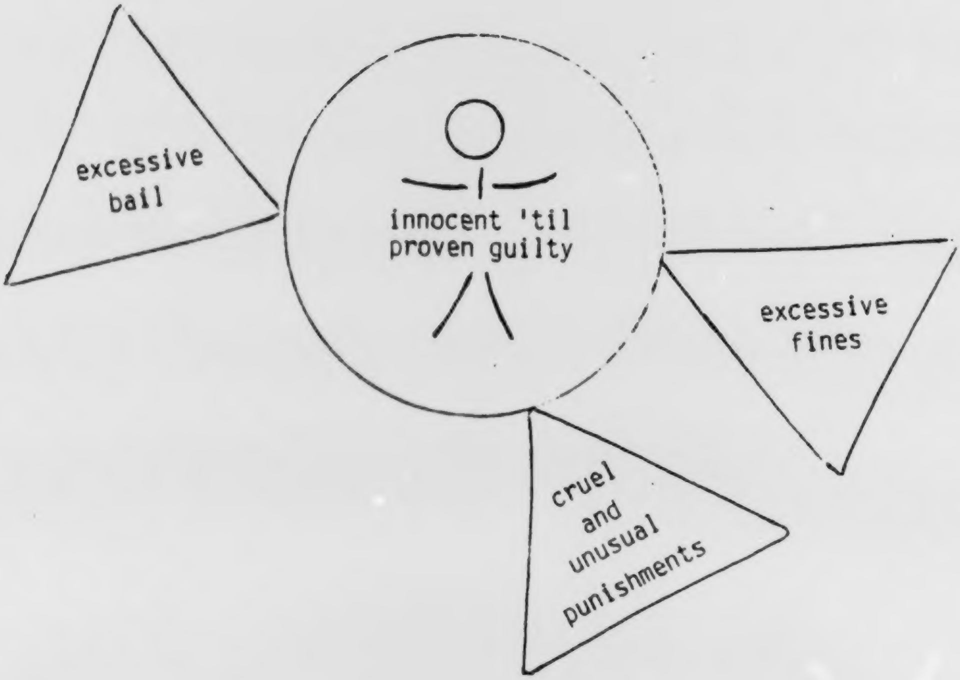
THE EIGHTH AMENDMENT
PROTECTS AGAINST


excessive bail
innocent 'til proven guilty
excessive fines
cruel and unusual punishments

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THE EIGHTH AMENDMENT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Language Development Activities

- Have the student read through the Amendment underlining each unfamiliar word. Then, using a dictionary and discussion, work out a definition for each one putting it into the student's own words. Add these to the vocabulary box, and to the sound box (ESL).

Here are some legal explanations which may help:

*bail - a deposit given to the court by some one who is accused of a crime and going to be tried. It is "insurance" that the accused person will be present at the trial. If he/she comes to the trial on time, the money is returned.

*fine - a sum of money required of a person who has been found guilty of a crime as his/her punishment. The range of fines which a judge may impose for each particular crime is given in the laws for sentencing. For example, for the crime of possessing illegal drugs the law says a judge may fine a guilty person for the first offense up to $50,000. For the second offense the fine may be up to $100,000. (example from Connecticut law)

Discuss what "up to" means in those sentences.

*to imprison - A guilty person may be sentenced by a judge to a term in prison as a punishment in addition to paying a fine. For example, Connecticut law says a judge may send the person found guilty of having illegal drugs to prison for up to seven years for the first offense, and up to fifteen years for the second offense, as well as ordering payment of the fine.

*offense - any crime for which a judge may order the person judged guilty of it to pay a fine or serve a prison term, or both.

- Extend vocabulary through word families:
  * bail - bailiff (an officer of the court responsible for keeping order); to bail out (as empty water from a boat, or jump out of a plane with a parachute, or help someone out of trouble).
  *impose - imposition
  Using core word "pose," define expose, dispose, disposition, suppose, supposition,
  compose, composition
  *unusual - usual, use, to use, useful, usable, unusable
  *excessive - excess
  Using core syllable "cess," define process, success, successful, successive, succession.

Discussion

- Re-read the Amendment for understanding. Ask the student to describe in his/her own words the protections it gives.

- Laws about crimes and the punishments allowed for each one are public, so any person can find out what will happen to him/her if he/she commits a crime. Do you think that makes a difference if a person is thinking about breaking a law? Would a very severe punishment stop a person from committing a crime? For example, would the death penalty keep a person from committing murder?

- How does your family punish a person who breaks the rules? Does everyone in the family know ahead of time what punishment will be given if rules are broken?

Shared Reading

- As with the 5th and the 6th Amendments, the protections guaranteed by the 8th Amendment tell us what abuses by the English courts the Americans wanted to prevent. For example, in England people who were suspected of a crime were kept in prison for long periods of time - sometimes for years - before they were brought to trial. The men who wrote the Bill of Rights thought a system of bail would be more fair because it would allow an accused person to be free to gather evidence and witnesses for his/her defense before the trial. That is one way of treating the person as innocent until a jury decides he/she is guilty. They said, however, that the amount of the bail may not be "excessive". The amendment means the amount of the bail should be only enough money to make sure the person will show up for the trial. If a court holds enough money, the accused person will probably not run away. On the other hand, the amount of the bail should not be so large as to take away all the money a person has.

In our courts a judge decides what bail an accused person must deposit with the court. First the judge will listen to the charges against the person and think about how reliable he/she is. Setting and paying bail is one of the first steps in bringing an accused person to trial. If he/she comes to court on the date and time set for the trial, the money is given back to the accused. If he/she does not show up, the court will keep the money.

- After the trial, if the jury has decided the person is guilty, the judge will decide on the punishment. The judge will consider how serious the crime was, and how many times the person was proven guilty of the same offense, or other offenses, before. He will look carefully at the laws about that particular crime. These tell him what are the limits of punishments he may impose. Punishments may include a fine, or a term in prison, or both.

- Three hundred years ago in England the king's judges could set any amount they wanted to for bail or for fines. Sometimes these were so huge they took away all the property a man had and left a debt for his children to pay.

Because of the 8th Amendment, the federal and the state governments have developed clear definitions of what bail and fines are reasonable for particular crimes. Judges usually stay within those limits.

- Ideas about what are "cruel and unusual" punishments have changed a great deal over the years. Three hundred years ago the English courts could sentence a person to be burned to death, or be pulled apart by horses, or beheaded, or have his ears or his hands cut off. Public whippings and hangings were common and so was slitting a person's nostrils for minor crimes.

None of those terrible punishments are allowed because of the 8th Amendment. Now we think about whether other punishments are "cruel and unusual." For example, what do you think about the death penalty for a convicted murderer? Supposedly the condemned person is killed quickly by electric shock or lethal injection; but is taking away the life of even a convicted killer too "cruel" to be allowed? The U.S. Supreme Court says that the death penalty is constitutional, but only within very strict limits. Judges must consider many circumstances such as the character and past record of the murderer, how many people he/she killed, how they were killed, and other factors.

You Be A Judge

First re-read the Amendment for understanding. Then discuss how you would decide these cases.

- A man was found guilty of changing the records in the tax office where he was a clerk. The amount lost was not very large, but the judge sentenced him to 15 years of hard labor on a chain gang and ordered him to pay a fine 10 times larger than the amount he had cost the town in lost taxes. The man appealed that decision to the U.S. Supreme Court, saying the punishment violated his 8th Amendment protection against cruel and unusual punishment. What would you decide?

- A boy in high school was paddled by the principal for misbehaving a number of times in his classes. A wooden paddle was used, and the boy claimed he was black and blue and lame for weeks afterwards. He asked the U.S. Supreme Court to say that was "cruel and unusual punishment." What would you decide?
  (case of Ingraham v. Wright, 1977)

- In Georgia a jury decided a man was guilty of murder. Then the judge sentenced him to die in the electric chair. His lawyers said that although the death penalty for murder was allowed by Georgia's law, the law itself was unfair. They said it gave the judge too much discretion in imposing the death penalty, and the rules about who could be executed for particular crimes were not clear.

What do you think? How strict should laws be which allow the death penalty? What should a judge have to consider before he gives the death penalty?

(case of Furman v. Georgia, 1972
case of Gregg v. Georgia, 1976)

Community Site Visit

- To see the 8th Amendment rights in action, a visit to a municipal or state trial court is recommended. A preliminary visit by a tutor to the court will help with planning to have students see what they are studying. Court officials and lawyers can explain the court's docket (or schedule) and the cases being tried, and suggest dates and times when appropriate sessions will go on. Setting bail is usually done at an Arraignment (the first step in a trial). Fines and punishments are given by the judge after a jury's verdict of guilty. They may be imposed by the judge immediately after the verdict, or, if the case is complicated, the judge will schedule a special session for sentencing at a later time.

- If possible, arrangements should be made to talk with a bail commissioner, a lawyer and a judge during the visit. This may be done before the court goes into session, after the session, or during the recess. Those people can explain the case(s) before the court on the day you visit and how the rights of the accused person on trial determine the procedures being used.

-Review with the student:

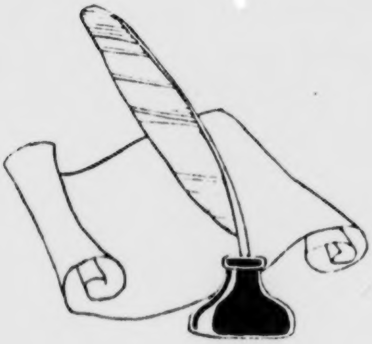
* the name of the judge in the court
* who will speak for the government's side in the case you will observe (the prosecutor, or a police officer)
* who will speak for the accused person (the defense attorney)
* what step(s) in the trial process you will watch
* what questions to ask the judge and other members of the court when there is an opportunity.
* Remember - no talking is allowed while the court is in session.
* Keep a pencil and paper handy to write down

questions to discuss later.

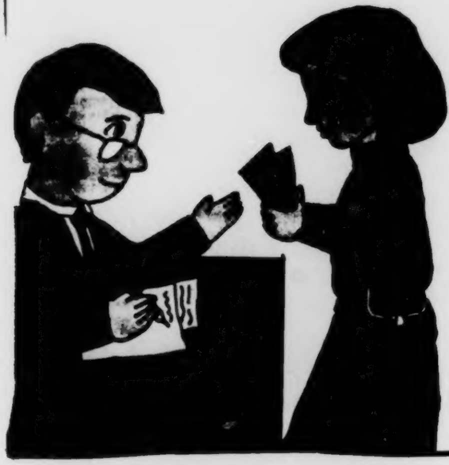
- Follow-up to the visit may include:
  - * writing down impressions in the student journal, or making tape
  - * comparing what you saw in court with a trial on television
  - * looking at a video or reading about a trial, and comparing that with what you saw in court. (The Ox Bow Incident, Twelve Angry Men, and To Kill A mocking Bird are all good for showing and discussing trials.)
  - * ESL - may compare American court and trial with in their country.

YOUR BILL OF RESPONSIBILITIES

- Think about the fact that as many as 60 - 65 % of the people in prison are illiterate.
- Do you think citizens should be more concerned about the conditions of life in prison? Is being imprisoned under those condition sometimes "cruel and unusual punishments"?
- If you have a strong opinion about the death penalty, how could you tell other people about your ideas?



STUDENT ACTIVITY



8th: Unfair bail, fines, and punishment forbidden

1. In this picture the woman may be giving the court official money for __________ before her trial. The purpose is to __________ ____.

Who told her how much money she had to deposit with the official?

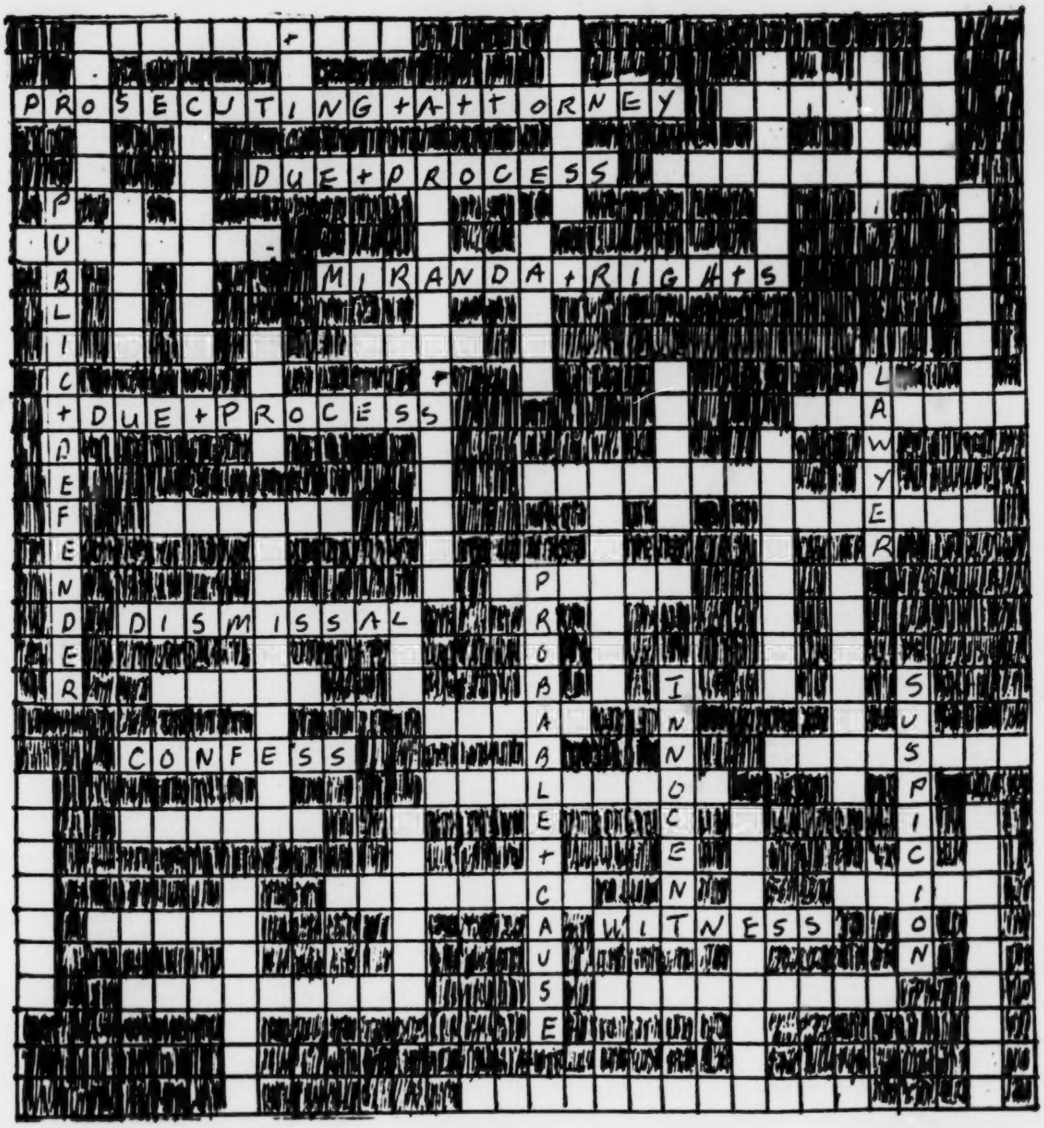
____

2. The woman may be paying a ____________ after the jury says she is guilty of a crime. A __________ told her how much money she had to pay for her ________________. Where did that person look to find out what is a fair amount? ______________________________.

ESL Topics for writing, taping or discussing:

1. In your country how is a person who has committed a crime protected from cruel or unusual punishments?
2. Are people allowed to observe trials?
3. How do they find out what punishment has been given to a criminal?

Review - Amendments 4, 5, 6, & 8


PROSECUTING+ATTORNEY
DUE+PROCESS
MIRANDA+RIGHTS
PUBLIC+DEFENDER
+DUE+PROCESS
LAWYER
DISMISSAL
PROBABLE+CAUSE
INNOCENT
SUSPICION
CONFESS
WITNESS

*prosecuting attorney
*probable cause
*due process (2)
*public defender
*Miranda Rights
remain silent
public law
amendment
testimony
constitution
judicial
defendent
Anne
Yi
Young

protect
guilty
innocent
juror
*witness
prejudice
violation
decision
trial
verdict
property
summons
waive
*confess
*dismissal

freedom
offense
defender
criminal
warrant
judge
appeal
punish
lawyer
jury
proof
civil
arrest
crime
truth

evidence
rights
*suspicion
indictment
statute
due
defense
Wendy
Julie
David
law

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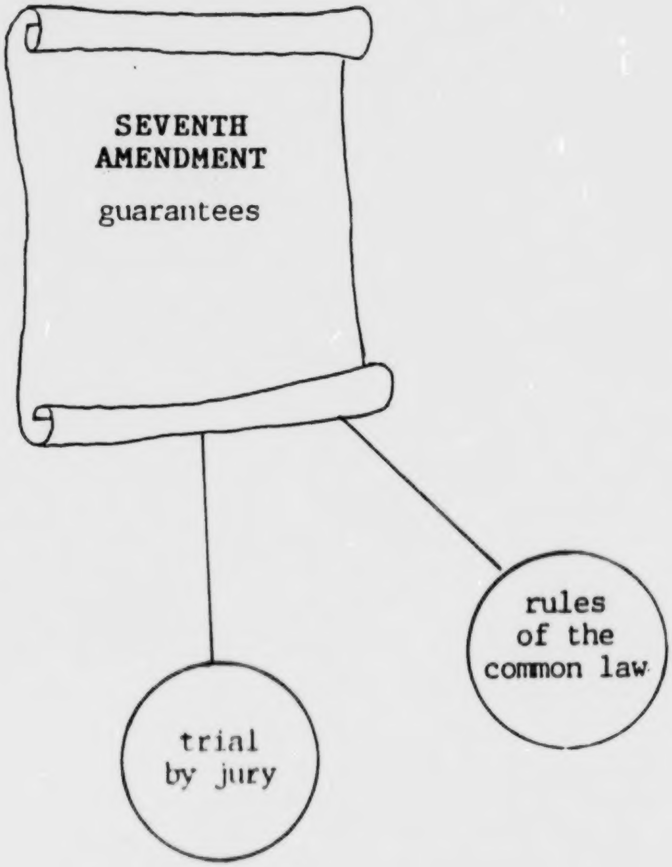
WHEN PEOPLE HAVE DISPUTES WITH EACH OTHER,


SEVENTH AMENDMENT
guarantees
rules of the common law
trial by jury

THE SEVENTH AMENDMENT

In suits at common law, where the value in controversy shall exceed twenty dollars ($20), the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Language Development Activities

- Read through the Amendment with the student, underlining and discussing unfamiliar words.
    * Here is some legal information that may help.
        * This Amendment deals only with civil cases. See Shared Reading.
        * Common law is explained in Shared Reading.
        * "no fact tried by a jury" means no evidence or witnesses heard and decided upon by a jury in a trial...
        * "Re-examined" means that the decision of the jury about the truth of the facts is reviewed by an Appeals Court.

    * Using a dictionary, Shared Reading and discussion, have the student work out a definition of each new word. These may be added to a vocabulary box and to a sound box for pronunciation.
    * Ask the student to use each new word in two or three sentences. Then ask him/her to explain what the Amendment means in his/her own words.

- Extend vocabulary by word families
    * suit - a civil case taken to court.
        . to sue (verb) - to take a civil case to court.
        . to bring a suit for damages against someone.
        . suit - also describes a two-piece garment.
        . to suit (verb), such as "that dress suits you."
        . suitable (adjective)
        . Unravel this sentence: That suit will suit you when you bring your suit into court; it is suitable for a plaintiff who sues a man who has made bad suits for years.
    * controversy - a dispute or quarrel
        . prefix: "contra"... contrary, contradict
        . suffix: "versy"... converse, perverse

- * preserved means "be kept in place," or "as in the past"
  - . prefix:"pre"... precondition, preliminary, pretend, preservative
- * re-examined - examined again, in this context by a court
  - . prefix: "re"... repeat, rebuild, rethink, review
- * exceed - go beyond
  - . prefix: "ex"... expel, exit, explain
  - . core syllable: "ceed" ... succeed, precede, proceed

Discussion

- Review the differences between civil and criminal laws. Ask the student to draw a story map which shows the differences, make a chart, or describe an example of each.

- Added information for understanding the 7th Amendment:

  * A civil case usually results in a settlement or an award. It may not be all the plaintiff asked for in the suit, but it is what the jury and the judge think is fair payment, or compensation, for damage done to him/her. It is not a verdict that someone is guilty or innocent of a crime.

  * Common law is based on precedents. Precedents are preceding, or earlier, decisions by judges that have guided what judges use to decide later cases with similar circumstances.

  * The sum of $20 in 1791, when the Bill of Rights was written, represented about 40 days wages, so it was a significant amount of money. The limit was set in order to avoid taking the court's time to settle disputes over very small amounts.

- Review the role of the people on a jury in a trial:

  * They listen to facts presented by both sides in a case.

  * They decide which side is telling the truth, or has the most convincing evidence and witnesses.

  * A civil trial jury makes its decision on "the

preponderance of the evidence."

* In a civil case the jury may recommend the amount of a settlement or an award, but the judge makes the final decision.

* In a criminal case the jury will give a verdict of "guilty" or "not guilty." They may recomment a punishment (fine, imprisonment, or both), but the judge will decide what is appropriate within the limits of the law.

* The decision of a jury on the facts presented in a trial is final.

- Review information about appeals.

* Anyone who loses their case in a civil trial has the right to appeal to a higher court.

* In a criminal trial if the accused person is found "guilty" by the jury, he/she has the right to appeal. But if the accused is found "not guilty," the government may not appeal that verdict (5th Amendment protection against double jeopardy).

. Only if the government gathers significant new evidence about the crime, or an Appeals Court orders a new trial because the first one was not fair, can there be a new criminal trial by another jury. (Re-read Ernesto Mirando's story on p.).

* An appeals court does not listen again to the facts decided by a jury in a trial. Instead, the judges will listen to lawyers from both sides and will consider:

. whether the jury trial was carried out according to the rules for due process;
. whether the trial judge applied the law correctly;
. whether the rights and protections guaranteed by the Bill of Rights were given to the person accused of a crime, or the person who brought a civil suit.

Shared Reading

- The 7th Amendment is important because it guarantees two constitutional rights in civil cases. Civil cases deal with disputes among people over such matters as private property, contracts and patents, marriage and family, libels and slander, and wills and inheritances. In these cases there are no crimes which the government may punish. But there may be damages done by one person to another, or there may be quarrels people cannot settle by themselves. A person who has been hurt by the acts of another may bring a complaint to the court. He/she is called a Plaintiff. He/she asks the court to make the person who has done the damage pay him/her back, or compensate for the injury.

- The 7th Amendment guarantees that in these civil cases:

  * there will be a trial by a jury whenever the amount of the damage is over $20; and
  * the cases will be decided by common law in the trial and also in an appeals court.

Both parties in a dispute may waive the right to a jury trial if they think a judge will give a more fair decision after he has listened to both sides by himself.

Most civil juries have six people rather than the twelve who hear a criminal case.

- The common law goes as far back in English history as Magna Carta (1215). It was brought to America by the first English colonists. As they established courts in the colonies, judges referred to the well established principles and decisions in English common law when they decided similar cases here. Therefore, English common law gradually became American common law. And both the U.S. Constitution and the constitution of each state say this common law (or judge-made law) will be followed in certain cases.

The common law is different from laws passed by the Congress, a state legislature, or a town council. These laws are called "statutes" or "ordinances," and they may be changed quickly, even at the next session of a legislature. Common law, however, is not made by public debate or vote of elected representatives.

The common law comes through decisions by judges. It may change over time, but only very gradually. Each judge, when a case must be decided, will look very carefully at decisions made by other judges about cases with similar facts. Those decisions are called precedents. If the judge decides none of them fits the particular case, he must write out a long, thoughtful opinion explaining why a new principle must be applied. That opinion may then be tested by other judges during the appeals process. A precedent may even be reversed; but a judge has to have very convincing reasons to go beyond common law precedents. Many other judges must agree with any changes he/she writes about in an opinion, as well as his/her reasons for them, before a new precedent is established.

By depending on earlier decisions in that way, the common law helps the courts and everyone with a dispute. It is predictable. It sets well-tested limits on settlements. It follows procedures and customs which have been accepted as fair for a long time; and it protects the rights of both sides to a fair hearing in which the rules are well known.

You Decide ...

Here is a civil case in which the student and tutor may act as members of the jury.

Charlie Brown ate dinner at a Chinese restaurant owned by Mr.Ho. Several hours afterwards Mr. Brown became very ill. Thinking it might be food poisoning, he called the Health Department and asked that their inspector check the food at the restaurant. The next morning the inspector went to the restaurant and decided Mr. Brown's illness might be due to uncooked eggs used in the Caesar salad dressing he had eaten because one egg left in the case from which they had been taken smelled bad.

Mr. Brown, in the meantime, ended up in the hospital for four days. His medical bills amounted to $1,072, and he lost a week work during which he would have earned $5,000. He suffered a lot of pain, and he lost more time from his job off and on for another two weeks after he left the hospital. He thought that was worth another $5,000, so he thought he might sue Mr. Ho for $12,000.

When Mr. Brown discussed the matter with Mr. Ho, he offered to settle the dispute if Mr.Ho would agree to pay him $9,000 That would save both of them fees for lawyers and the court. But Mr. Ho refused. He said the eggs were fresh when they were delivered to his restaurant that morning, and he had kept them in the refrigerator. If he paid Mr.Brown, he was afraid people would think he had used bad eggs and would not come to his restaurant.

Mr. Brown was a wealthy man who owned a vacation home in the town. He came down from Boston occasionally, but he had no friends among the people in the area and was not active in any of the town affairs. When he went home to Boston, he hired a lawyer who told him he had won many personal injury suits. He thought Mr. Brown's case would very simple. They chose to have a jury trial. They had the statement from the Health inspector saying that he had found a bad egg in the case from which the eggs for the salad dressing had been taken. Mr. Brown's lawyer thought that would be enough to convince a jury to give Mr. Brown a big award. The lawyer told Mr. Brown his fee would be 1/3 of whatever the jury awarded him, and recommended they raise the amount they would ask for to $24,000.

First the lawyer filed Mr. Brown's complaint against Mr. Ho with the court in the town where the restaurant was located. Then he got a certificate from the Health Department. It said that their inspector had checked out Mr. Brown's complaint within 24 hours, as required in a food poisoning case, and had reported the bad egg found in the case in Mr. Ho's restaurant.

The case of eggs was traced back to the farm of a well-known man in the town. He was the very popular mayor, a booster of the high school football team, and a past president of the States's Poultry Raisers' Association. People told the lawyer he was a careful manager of his chicken farm. Also, everyone knew the local egg market was important to the town's economy, but the market had recently been declining. In fact, all the chicken farmers had laid off their help and were buying less feed, so many families were suffering. If the local newspaper started writing stories about bad eggs and food poisoning at local restaurants, things would get a lot worse.

Mr. Ho hired a lawyer also. He was the mayor's nephew. He had recently graduated from the state's law school and had worked for his uncle, the chicken farmer, to help pay his law school bills. From his uncle he got a record showing the eggs in the case had been delivered fresh to Mr.Ho's restaurant on the morning of the day when Mr. Brown had eaten his Caesar salad for dinner.

On the day of the trial, a jury of six people was chosen. All of them lived in the town. Two were housewives; one owned and managed a local hardware store; one was a retired book-keeper; and two worked for contractors in the town. The trial lasted an hour. The jury listened to both sides. Then they decided in favor of Mr. Ho, recommending that Mr. Brown receive no award at all.

* * * * *

- For discussion with the student:
  * Do you agree with the jury's decision? Why? Why not?

  * If you were the judge, would you change the jury's recommendation about the award so that Mr. Brown would receive at least an amount to cover his hospital bill and lost wages? Why? Why not?

  * If you were Mr. Brown's lawyer, would you advise an appeal? Why? Why not?

Community Site Visits

- A visit to observe the Municipal Court in town on a day when the judge was hearing civil complaints was described in this Tutor's journal:

> The day we went to Judge Turano's court he was hearing a case based on a complaint of one neighbor against another neighbor. Rose knew the defendants so she was very interested; she also hoped she wouldn't have to explain why she was there.
>
> Unfortunately, the plaintiff and his lawyer had some disagreement and were called to the Judge's Chambers where they stayed for rest of the morning.
>
> Rose thought the complaint was over a property line and the size of a new house. When she next met her acquaintance, she was proud to tell her she was studying about our government.

This was a perfect illustration of the difference between criminal cases (the state vs. a person) and civil cases (between two persons).

- A second community site visit was a meeting with a lawyer. She emphasized the right of a person accused of a crime to ask for a lawyer as soon as questioning by the police begins and the right of the person to remain silent.

She also spoke about the importance of getting accurate advice whenever a person receives a legal document. She gave the group some samples of a court summons, a subpoena, and a civil complaint. Many words in them are technical, and the response required is not always clear. It is especially important for people with few literacy skills or limited knowledge of English immediately to find a person who can explain such a document and what should be done. If deadlines for responding are missed, or inaccurate information given, there may be serious consequences. She gave the group a list of places where legal consultation is available free or at low cost.

For this session the tutor-student teams had prepared at least one question to ask the attorney. They covered a wide range of civil and criminal matters, from suing in small claims court to landlord-tenant and consumer problems to the rights of juveniles. As a consequence, informational material on the topics of most concern were added to the Project's collection, and a copy of the decision in In re Gault (constitutional right of juveniles) was sent to all the tutors(See Appendix).

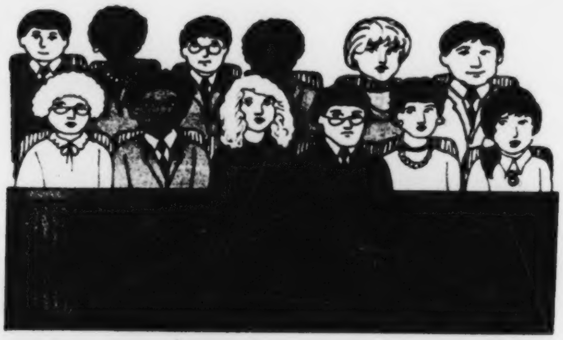
YOUR BILL OF RESPONSIBILITIES

- Consider the responsibilities of serving as a juror.
    * Payment for being a juror may be as low as $10/day. What effect might this have on a person's income?
    * If a person asks to be excused from jury duty, will that have an effect on his/her reputation in the community? Or, if many people ask to be excused, will that affect the jury system?
    * If you are an employer and one of your employees must be away from work for 2 to 4 weeks on jury duty, do you have an obligation to continue to pay the employee's wages during that time? Even if you have to hire a substitute to get the work done?
    * As a juror, it would be your responsibility to follow the court's directions and come to a fair,

unbiased decision. What difficulties might there be with doing that?
* Should a person be expected, as one of the duties of American citizens, to sacrifice earnings or personal activities in order to serve on a jury?

- What alternatives for settling civil disputes in court can you think of? How could you help family members or friends to settle disputes between themselves?

SAMPLE OF STUDENT WRITING



7th: Jury trial in civil cases

A person has the right to have a jury

for For a criminal or a civil case

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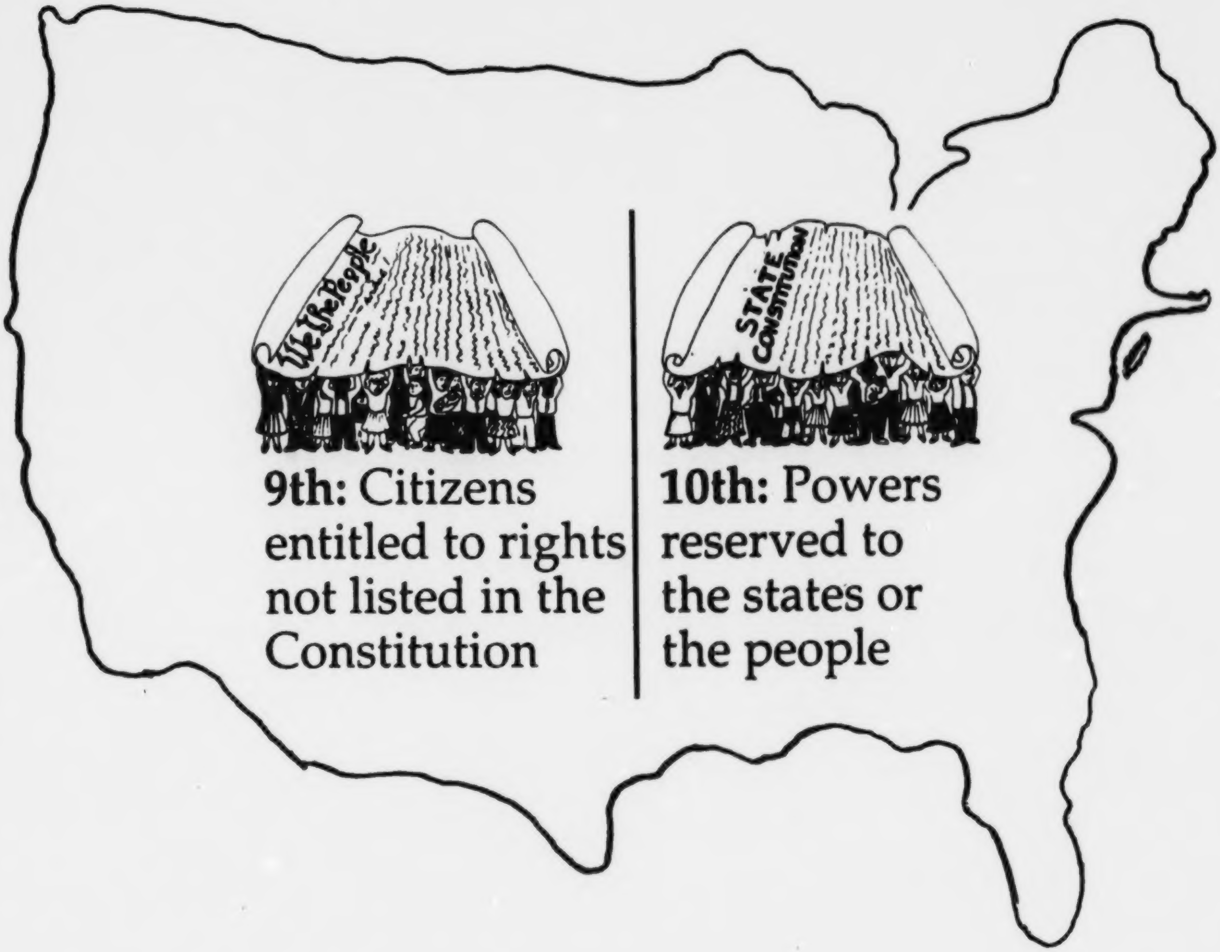
The 9th and 10th Amendments


We the People
STATE CONSTITUTION

9th: Citizens entitled to rights not listed in the Constitution

10th: Powers reserved to the states or the people

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THE NINTH AMENDMENT

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

THE TENTH AMENDMENT

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

Language Development Activities

- Read through the Amendments underlining new words.
- Using a dictionary and discussion, have the student work out a definition of each new word. These may be added to the vocabulary box and reviewed in later lessons.
- Re-read for pronunciation and add new words to the sound box.
- Extend vocabulary through related words:
    - construed - means "shall not be interpreted," prefix "con" - conclusion, connection, conform, confirm
    - enumeration - to enumerate, number, to number, to list by number
    - delegated - to delegate, delegation, be a delegate
    - deny - refuse to recognize or accept, denial, refusal, to reject, rejection
    - disparage - belittle, discredit, show disrespect Using prefix "dis", define disdain, discriminate, discourage, disown, disappoint, disarm.
    - dual - means "two parts". See Shared Reading for explanation of "dual citizenship" in America.
    - prohibited - to forbid, forbidden, prohibition Using prefix "pro", define progress, process, procession, procedure, to proceed.
    - reserved - to reserve, to hold, hold back, to have a reservation Using core syllable "serve", define preserve, conserve, deserve, observe.
    - respectively - respective, to respect, respectful, respectable, respecting, with respect to

* retained - held back, kept
Using prefix "re", define repay, restore, react, recall, refine, respond.
Using core syllable "tain", define obtain, sustain, maintain, contain, attain.

- Ask the student to use each new word in 2 or 3 sentences, either through writing, taping, or discussing.

Shared Reading

- The 9th and 10th Amendments describe the concept of dual citizenship which we have in the United States. It is the basis of our American system of shared powers. Each person is a citizen of both the United States (national citizenship) and of the state in which he/she lives. The U.S. Constitution guarantees the two sets of laws will not contradict each other.

- As for the rights people have, the 9th and 10th Amendments say that the rights listed in the U.S. Constitution are not the only rights and protection people have. Their state Constitution may give them others which are just as important.

- At the time the Bill of Rights was written in 1791, the Amendments said only what the national government could not do to citizens. For example, the Congress of the United States may not pass a law that denies the rights of people to speak freely, to follow the religion of their choice, or to get together and petition the government (1st Amendment rights). For another example, the law enforcers of the national government (the U.S. Marshals) have to follow the 4th Amendment rules for search and seizure, while the national courts have to follow the rules for fair trials in the 5th, 6th, 7th and 8th Amendments.

- Besides those rules for the national government, each of the first 13 states had its own Constitution. All of those included a list of rights which limited what the state government could do to the people who lived there. Even though there are now 50 states, the same is true today.

- The 9th and 10th Amendments say the people in each state have the power to decide what rights they want to have in their state Constitution. The only limitation is that those rights may not change or take away any of our rights and protections as national citizens which are guaranteed to us in the Bill of Rights.

- It is the responsibility of the U.S. Supreme Court to make sure that does not happen. However it is up to the person who believes he/she has been denied one of those constitutional rights or protections to take his/her case to court. In other words, it is the individual citizen who makes the whole system work for all of us.

- The 9th and 10th Amendments mean that the people in any state may vote to add more rights and protections to the state Constitution for those who live there. They never can vote for fewer. For example, no national right to a free education in public schools is provided in the Bill of Rights. Several states, however, have added that one to their state Constitution. For example, here is what Connecticut has said:

> There shall always be free public elementary and secondary schools in the State, and every child shall have the right to attend.

- In our system of shared powers, each state has the authority to pass laws for the health, safety and common good of its people. Therefore, when a state adds more rights and protections for its citizens than the national Bill of Rights gives, that state must also pass the laws necessary to insure that everyone in the state can enjoy those rights.

- In the example of the right to a free public education in Connecticut, the state legislators have a constitutional responsibility to make free public schools available for all children. Furthermore, the School Laws say that all parents must make sure their children attend school up to 16 years of age.

- The 9th and 10th Amendments confirm the basic principle that the final power to decide issues of rights, responsibilities and government belongs to the people. When the majority of them voted in favor of the U.S. Constitution, (between 1787 and 1789) they gave (delegated) to the national government specific (enumerated) powers to do certain things, (Article I, Section 8). Other powers to do other things they kept (reserved) for each state, such as power to regulate health, safety, education for people in that state. The citizens have final "say" about powers, rights and protection through their votes and the courts. That is what Lincoln meant by "government of the people, by the people and for the people."

Discussion and Writing Activities

- Re-read the Amendments for understanding. Can the student put them into his/her own words?

- For review, write out a list of the rights given in the first eight Amendments.

- Talk about some rights not on that list which are important for people to have. Are they important for an individual? a family? a work place? a town? for everyone in a state? in the whole USA? Are there differences between personal rights and public rights? Can laws be passed to enforce some but not others?

- In many countries people are national citizens only (in England, France, or China, for example). There are no separate state constitutions. Do you think there are advantages to having two sets of rights, laws, and dual citizenship, as in the USA?

- ESL students. What rights do ordinary people have in your homeland? What legal protections do they have from government officials or soldiers? Would dual citizenship (national and state) be possible in your country? (People who live in the former USSR are now struggling with that question.)

You Decide ...

- The United Nations has accepted a Universal Declaration of Human Rights. Look at this list of Rights on p.137. Do you think some of them should be added to our U.S. Constitution, or to your state Constitution?

- Are some of the Rights on the list different from Rights in the Amendments which tell government officials what they may not do to people, or must do to be fair to people?

- What are responsibilities which balance the Rights on the Universal Declaration?

Copied from IT'S YOURS: THE BILL OF RIGHTS, Lessons on the Bill of Rights for
Students of English as a Second Language.
Constitutional Rights Foundation Chicago, Chicago, IL, 1991

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

In World War II, six million Jews were killed by the Nazis. People around the world hoped that such a terrible crime against human rights would never happen again. In 1948, representatives of countries with different political systems and from all parts of the world came together at the United Nations. They wrote a declaration of the basic needs, hopes, and wishes of all men and women. They included rights in education, health, work, and culture as well as legal and political rights. Following is a summary of these rights.

1. Right to equality
2. Freedom from discrimination
3. Right to life, liberty, personal safety
4. Freedom from slavery
5. Freedom from torture or cruel and inhuman punishment
6. Right to be protected by the law
7. Right to be treated in the same way as others by the law
8. Right to legal help if rights are not respected
9. No arrest, prison or exile without good reason
10. Right to a public and fair trial
11. Right to be considered innocent until proven guilty
12. Right to privacy and protection of your good name
13. Right to move within your country and to leave and return to it when you wish
14. Right to protection in another country if your country violates your rights
15. Right to be a citizen of your country or to become a citizen of another country
16. Right to marriage and family, equal rights in marriage, protection of the family by government
17. Right to own property
18. Freedom of religion
19. Freedom of opinion and speech; freedom to give and receive information
20. Right to organize meetings; right to join organizations; right not to join organizations
21. Right to participate in government and in free elections
22. Right to personal development by sharing in the economic, social and cultural life of the country
23. Right to work for fair pay and to join labor unions; men and women receive equal pay
24. Right to paid holidays and work hours that are not too long
25. Right to food, housing, and medical care needed for a decent life; special help when you cannot work; special care for mothers and children
26. Right to the education you want and education that teaches understanding and tolerance among nations, races, and religions
27. Right to participate in the cultural life of the community
28. Right to social order and international order that protects all these rights
29. Right to these freedoms without interference by government, individuals or private groups

- Abortion is a sensitive, complicated topic. If the student has interest and is aware of the current debate, it is a challenging example of the evolving balance between national, state and individual rights.

Currently a woman's right to have an abortion during the first trimester of pregnancy is one of her constitutionally protected privacy rights. The U.S. Supreme Court decided that in the case of Roe v. Wade in 1973. The 9th Amendment in particular was used to support that decision about the right to privacy in such a personal matter.

* Is the student aware of how abortion is viewed in this country by different groups of people or different religious organizations, etc.?
* How is abortion viewed in the homeland of an ESL student?
* Encourage the student to discuss his/her personal views and reasons for thinking abortion should or should not be a constitutionally protected right during the first trimester. How about an abortion in the second or third trimester?

Several state legislatures have passed laws which limit that privacy right for women in their state. The majority of the voters who elected those legislatures wanted some limits on the right of a woman to make her own decision, so the state laws require such restrictions as waiting for 24 hours, or making the woman get permission from her husband or parents before getting an abortion. Some of these state laws are now being reviewed by the U.S. Supreme court. The Court has the power to uphold its 1973 decision in Roe v. Wade or to reverse it. If it reverses the Roe decision, that means the state laws which limit the woman's rights to decide for herself are constitutional.

If you were a judge, what would you decide?

Community Site Visit

- A meeting was arranged with the District's Representative to the State General Assembly. The purpose of the session was fully explained to her beforehand so she focused her comments on rights of people in Rhode Island which go beyond, or are more specific than, those given in the national Bill of Rights. She also discussed cases in the state which have been a test of what some of the Amendments mean in practice. A current case of an invocation by a rabbi at a middle school graduation was reviewed as a "separation of church and state" issue (See p. in the 1st Amendment Section). Also, a case of religious symbols in Christmas decorations which were displayed on town property was discussed as a 1st Amendment issue.

- The session allowed time for students and tutors to ask a range of questions which reflected interests about state and local issues, both public and personal. Matters of consumer rights, illegal drugs, the death penalty, redistricting, state laws about abortion and adoption, and the environment were touched on. They demonstrated the spread of discussions between tutors and students before the session, as well as careful preparation of questions to ask. The experience was especially valuable because the students, as concerned adults, had an opportunity to ask their questions of one of the state's most thoughtful Representatives. Listening to her made the group aware of how powers, rights and responsibilities are divided between the national government, the state and each of us as individual citizens.

YOUR BILL OF RESPONSIBILITIES

- Write out the responsibilities of the individual citizen, considering what each of us has to do to make our federal system work.

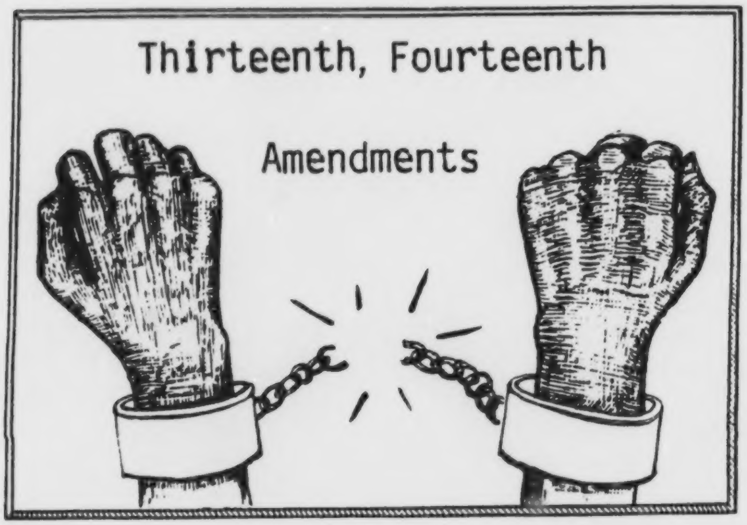
- For each right or protection we have, there are responsibilities. Look back at the rights you would like to add to the U.S. Bill of Rights or your state's rights. What are corresponding duties or responsibilities for each one?

- Does the fact that we are citizens of both a national government and of a state government give us a double set of responsibilities? Are our responsibilities as a national citizen the same as those we have as a citizen of our state? or different?

- For an ESL student: In America we say "our rights are balanced by our responsibilities." In the homeland are the rights of people written down in a Constitution? What are the responsibilities of the citizens? Where are those written down? Do they balance the rights and protection given, or is there no connection between rights and responsibilities?

- Find a copy of your State Constitution and read the section which guarantees rights to the citizens in your state. What are those rights? And what responsibilities go with them?

The Civil War Amendments


Thirteenth, Fourteenth
Amendments

THE THIRTEENTH AMENDMENT (1865)

Sec. 1. Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party (person) shall have been duly convicted, shall exist within the United States nor any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

Language Development Activities

- Read through the Amendment underlining unfamiliar words.
- Using a dictionary and discussion, have the student work out a definition of each word. These may be added to the vocabulary box.
- Re-read for pronunciation and add new words to the sound box.
- Extend vocabulary with related words
  - * duly convicted - This means has been judged guilty in a court of law according to the rules for due process (see Amendments 5, 6 and 8)
  - * involuntary - voluntary, volunteer, to volunteer
    prefix "in" means "not" - inadequate, inferior, inconvenient, incomplete
    prefix also means "in" as in income, to include, incarcerate
  - * jurisdiction - This means any place which is bound by the laws of a particular government. A synonym is "power" or "authority".
  - * servitude - service, serviceable, to serve, serving, to be served, servant, servile
  - * slavery - a slave, slaving, to slave
  - * subject - This means "under the authority of a particular set of laws" (as a citizen of the United States lives under the laws of the USA).
    - Another meaning of the word implies that a person is totally under the power of a dictator or tyrannical ruler.
  - * to enforce this article - This means to compel obedience to this Amendment by laws. Enforcement, enforcer, force.

. Note the unusual word "whereof". Today it would be "of which".

- Words to know about the Civil War:
  - * secession - to break away from, to secede
  - * abolish - to do away with, abolition, abolitionist
  - * Emancipation Proclamation (1863) - The official statement by President Lincoln which declared the slaves in the Confederate States to be free.

Shared reading for background

- The Civil War (1861-1865) was the most difficult test in our history of the Union between the states and of the Constitution. It was a time of terrible losses and sadness for all the American people. However, it settled two issues about which people had debated and quarreled for a long time: the issue of slavery in the southern states, and the issue of whether states which did not agree with laws made by Congress could break away (secede) from the Union and set up their own nation.

- In 1861 there were 34 states in the Union. Eleven of them counted themselves as the southern states; nineteen were called the northern states; and four were border states. See the list of states in the Appendix. The northern states in 1861 are marked with "*"; the southern states are marked with "o". The border states where people were divided are marked with "b". The rest of the country was divided into territories until enough people settled in each one to organize it into a state. Congress made the laws for the territories; the U. S. Marshals were the law enforcers there. Whether living in a state or a territory, however, people everywhere felt they were bound together by their common traditions and by their experiences as Americans with winning the War for Independence and settling a new nation. Most of all, they believed the U.S. Constitution held them together in their own unique system of government and laws.

- Ever since the colonies were first settled there had been some basic differences between those in the north and those in the south. Many of these had to do with climate and ways of farming. In the north most farms were small, growing only crops intended to feed a family, while the men worked as craftsmen, sailors, ship-builders and traders. But in the south it was possible to have very large farms (plantations) on which the owner could grow crops like tobacco, rice and sugar cane to sell. In the days before there were any machines for farming, all the work of planting, hoeing, harvesting and preparing for market was done by hand; so the plantation owners in the south needed many workers who could be kept on the plantation year-round to take care of the crops. Owning Negro slaves brought from Africa was the answer they found for that problem. Slavery was a custom as old as human history; and it was generally accepted when the colonies were being settled as the way to have reliable "hands" for the hardest, dirtiest jobs.

- As the years went on, other differences between the north and the south developed. Soon after the Revolution, all the northern states passed laws which prohibited slavery. In the south, however, the number of Negro slaves increased rapidly, and gradually laws were passed in the southern states to control the slave population. For example, no slave could leave his owner's plantation without permission. Slaves could not marry or establish a family. If a slave woman had a child, it belonged to the plantation owner. An owner could sell a slave at any time; and he could punish a slave for any reason because a slave had no rights. Slaves were considered property, and so were their children and their children's children.

- When the Constitution was written in 1787, slavery was one of the main issues which divided the southern states from the northern ones. Many people questioned whether slavery was right for a new nation which said in its Declaration of Independence that "all men are created equal and endowed by their Creator with certain inalienable rights among which are life, liberty and the pursuit of happiness". But others were afraid the southern states would not join the Union created by the Constitution if it prohibited slavery. Besides, many people believed slavery would eventually outlive its usefulness and would gradually disappear, Thomas Jefferson and George Washington among them.

- Perhaps it might have. But soon after the Constitution was ratified, southern plantation owners learned how to plant cotton, and in a few years it became the most profitable crop in the United States. It was sold all over Europe as well as in the northern states to manufacture cloth, and it made many southern land owners very rich. The trouble with growing cotton in the days before machines was that it needed even more "hands" to do the work in the fields than did other crops. The laws in the southern States which controlled slaves became even more strict and oppressive. Furthermore, the land owners in the south began to move slaves into the frontier territories on the westward edge of their states in order to develop cotton plantations there. Therefore, it was clear to more and more people that slavery would not gradually disappear, but would spread wherever cotton could be grown.

- By the 1830s most people in the northern States opposed slavery, and many wanted Congress to abolish it in all the southern states by law. Some organized anti-slavery societies; some became very active in trying to help slaves escape from their owners. An "underground railroad" organized by the northern abolitionists provided guides and "safe houses" for the run-away slaves who made the long, dangerous trip from the south up to Canada. Up there they would not be found by the "slave catchers" hired by southern plantation owners to bring their slaves back. It was a heroic effort by both the slaves who risked their lives to get away and by the northern people who helped them.

- Other people in the north petitioned Congress again and again to end slavery by law in all the states and to prohibit slave owners from moving their slaves into the territories to the west. Congress had the authority to do that in the territories because, until each territory became a state, Congress passed its laws. Congress did prohibit slavery in the Northwest territory, but not in the others. Furthermore, the southern states insisted that the Constitution gave them the power to pass laws for their own people. They said the national government had no authority to interfere with state laws. By the 1850s some leaders in the south were saying that even if it meant leaving the Union of States created by the Constitution, they were determined to stand together to protect their way of life, including slavery.

- By 1860 the movement to abolish slavery was so strong in the northern states, voters were able to elect an anti-slavery President, Abraham Lincoln. Above everything, he was determined to keep the Union of States together under the Constitution of 1787. Leaders in the eleven southern states took his election as a signal that the national government, under his leadership, would move to emancipate the slaves and abolish the laws which kept the system of slavery in place; so their state legislatures voted to leave the Union and become a separate nation. Calling it the Union of Confederate States, they wrote their own Constitution which set up a government of three branches much like that in the U.S. Constitution. They even included a Bill of Rights - but none of those were given to the slaves. The whole system of Negro slavery was kept in place by the same oppressive laws as before.

- When the Confederate government tried to seize forts which belonged to the United States government, Lincoln knew he had to fight back. That began one of our worst wars, the Civil War. It lasted for four years, with terrible losses on both sides.

Finally it ended when the Confederate army surrendered at Appomattox, Virginia, on April 9, 1865. As soon as peace was declared, Congress proposed and the northern states ratified, the 13th Amendment. That meant the Civil War settled two issues which had divided the states for a long, long time.

* Slavery was abolished forever from the United States.

* No state can secede from (or leave) the United States. The U.S.Constitution and its Amendments bind all of them together in a federal system of powers, rights and responsibilities divided among the national government, the states, and individual citizens.

Discussion/Writing Activities

- Think about being a slave in the southern states before the Civil War. What do you think would have been the most unbearable part of a slave's life?
- Why do you think the laws of the southern States did not allow slaves to be taught to read and write?
- Here is a description written by a 10-year old girl Nettie, in 1859. She went south with her family, and wrote letters to her friend Addie, which her family has kept all these years.

> On Saturday we went to town and stopped at a house with a red flag outside. I didn't want to go inside, Addie, but my brother said we had to see what was going on.

Inside there was a platform. Men were standing all around it looking at the people standing on it. One was a fat man in a tight white suit who was telling everyone what to do. He pushed a black woman forward on the platform and shouted at her, 'Jump, gal, jump!' Someone in the crowd called out a price, and the fat man pushed her off the platform so hard she almost fell at the feet of the man who was handing over some dollar bills. Then she was gone, Addie, like a sack of flour pushed across a store counter.

Next the fat man pushed forward a man with a face all twisted. He had to jump and run around the platform until someone called out a bid for him. Then he was gone. The next were two children about our age. They were holding hands and looked so frightened. They were bought by different men, and the fat man had to tear them apart. Addie, I can still hear them crying.

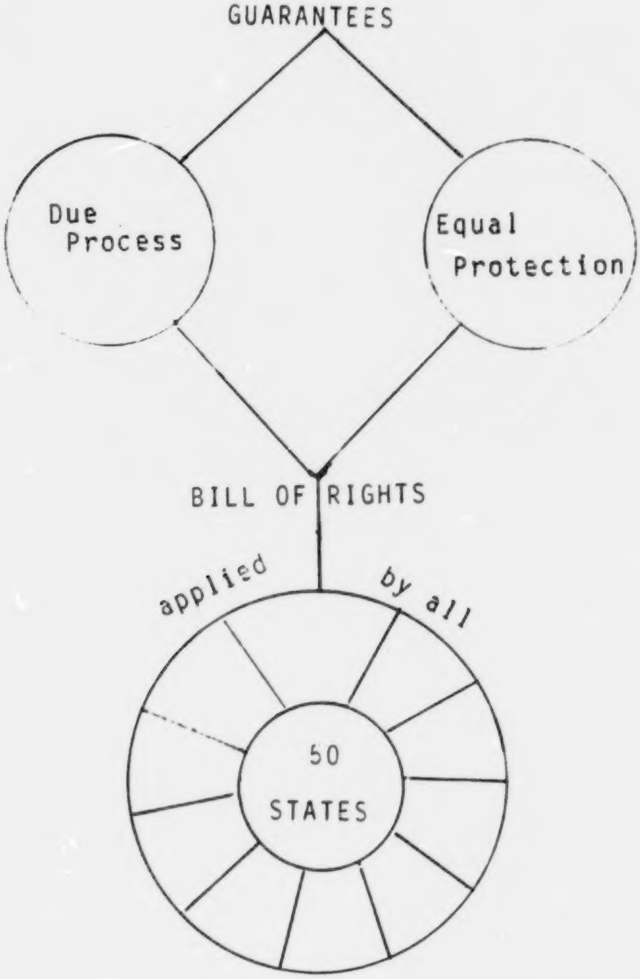
(Adapted from ACTING TOGETHER, Field Test Copy, Arlene F. Gallagher, Editor.)

- What do you think was happening? How would you feel if you saw something like that?

- Many people today have to do hard, dirty work. Would you call them slaves? Does that mean the same thing as being a slave in the south before the 13th Amendment was passed?

- ESL - Are there any conditions in the student's homeland which might be compared with the life of slaves in the southern states? What laws force people to live that way? What laws give people opportunities to improve bad conditions in their lives?

THE FOURTEENTH AMENDMENT


GUARANTEES
Due Process
Equal Protection
BILL OF RIGHTS
applied
by all
50
STATES

The Fourteenth Amendment (1868)

- In 1865, there were nearly five million black people who had been slaves living in the southern states. They had never been citizens; and they had had no rights or protections in any laws. Congress proposed the 14th Amendment to protect them, as well as to tell the southern states what they had to do to come back into the Union. The five Sections of the 14th Amendment make it the longest of all the Amendments. The four which regulate the return of the southern states are not important now. Section 1, however, is very important. It tells exactly who is a citizen of the United States and explains that each one is a citizen both of the nation and also of the state in which he/she lives. It also says what the states may not do to citizens.

Section 1: The 14th Amendment

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state where in they reside.
>
> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Language Development Activities

- Follow the language development activities outlined under the 13th Amendment.
- The term "privileges and immunities" refers to rights and protections in the Bill of Rights.

Shared Reading and Discussion

- The subject of becoming a naturalized citizen offers many possibilities for exploration and discussion with both American and foreign-born students.

  * What are the rules and steps for becoming a naturalized citizen?
  * What promises does a naturalized citizen make? What are his/her responsibilities?

* If a student is foreign-born, how does he/she feel about going through the process of becoming an American citizen? What would be the rules and steps for becoming a naturalized citizen in his/her homeland?

* There are many readable, interesting accounts of what immigrants experienced when they came to America. Possibly the parents, grandparents or other relatives of an American student were immigrants. Can the student talk with them, and write or tape their "story"?

- Section 1 of the 14th Amendment was originally intended for the freed slaves in the southern states. Because they had been born in America, it made them full American citizen, with all the rights, protections and responsibilities of every other citizen under the Constitution and the Bill of Rights. Imagine what changes that meant for a person who one day was a slave, the property of another person, completely without rights or protections, and the next day was a free citizen under the Constitution of the United States which protected them and gave them full legal rights. For example, think about their new opportunities to marry, to set up a family, to own property, to go to school and to learn to read and write.

- Section 1 also guaranteed the freed slaves that no state could have laws which deprived them of due process or equal protection of the laws. That meant all state officials had to treat them as they treated white citizens, and had to use the same steps for fairness if they acted to take away their liberty, their life, or their property. Furthermore, by Section 5 of the Amendment, the U.S. Congress was given the authority and the responsibility to enforce equal protection and due process.

- Unfortunately for the freed slaves, it was not enough to have that goal written into the Constitution. For a long time after the Civil War the southern states continued to make laws which segregated (kept separate by law) black people from white, and the U.S. Supreme Court said those laws were constitutional. In the case of Plessy v. Ferguson, in 1896, the Court said separate facilities (such as seats on public busses, or the public schools, or the public swimming pools) were allowed under the Constitution as long as they were provided equally for blacks and whites.

- Without education, the freed slaves could work at only the hardest, dirtiest, lowest paying jobs. Many of them and their children moved out of the south over the years to find work in northern states and to attend the public schools, which were not segregated by state laws. But their low level of skills kept most of them in the poorest neighborhoods, crowded into the worst housing, with the fewest opportunities for improving their lives. Even now, after more than one hundred years, in spite of many laws by Congress, many court cases, and extraordinary efforts of individual men and women, both black and white, the struggle for equal protection and fair treatment promised in the 14th Amendment goes on.

- One of the most important court cases which used the promises of the 14th Amendment to change state laws segregating black people was the case of Brown v. The Board of Education of Topeka, Kansas, in 1954. The facts were these:

    * The state of Kansas had laws which required that black children attend separate public schools from the white children. All southern states had similar laws. The problem was the schools for the black children were not equal to those attended by white children. For example, the school buildings for the black children were shabby, poorly equipped and seldom repaired; their teachers were poorly trained, and paid less than teachers in schools for white children; and the schools for black children were given fewer supplies and books than schools for white children.

    * In the city of Topeka a black family decided to test the law by asking that their daughter, Linda Brown, be admitted to the elementary school for white children near their home. When the School Board refused, saying the state law did not allow that, the Browns decided to go to court. With the parents of other black children, they claimed the 14th Amendment guaranteed to the black children of Topeka equal educational opportunity - under the "equal protection" clause. The state law requiring segregated schools, they claimed, deprived them of that protection.

    * The parents and their lawyers took the case all

the way to the U.S. Supreme Court, and the Justices there unanimously agreed with the parents. In their decision they said that public schools which are segregated on the basis of race are inherently unequal. The court said the segregated schools for black children had never been given resources equal to those provided for white children. That tells the black children they are inferior, and not valued by society as much as white children.

* That decision reversed the Plessy v. Ferguson standard which said "separate could be equal". From 1954 on, all state laws which segregate public schools by race have been unconstitutional; and public schools throughout the United States have worked to educate black and white children together. One family - the Browns in Topeka - who wanted the best education possible for their 9-year old daughter, Linda, truly understood what the 14th Amendment meant for all Americans. They showed that one family can make a difference for everyone by exercising the rights and protections guaranteed in our Constitution.

- The 14th Amendment has been used in many more cases to overturn other state laws which have denied people equal protection or the fundamental steps of due process. Several of these have been described in earlier lessons. Through those cases, the Bill of Rights - which was originally intended to protect people against unfair actions by officials of the national government - has been applied to state officials and state laws. For some examples, look at these :

* The flag-burning case described in the lesson on the 1st Amendment. Here the U.S. Supreme Court set aside a Texas law which prohibited burning an American flag, saying it denied the person's right to express his opinion freely.

* The case of Christmas decorations on public property was a test of the "wall of separation between church and state" required by the establishment clause of the 1st Amendment. Here the Court said that a town permit to have a creche in the public park which showed only the Christian Christmas story favored one religion over others and so violated freedom of religion.

* The case of Ernesto Miranda in the lessons on the 5th and the 6th Amendments tested his right to remain silent and his right to the help of a lawyer when the police arrested him.

Here the Court said everyone who is arrested has the right to know what protections he/she has under those Amendments. Now all state laws and rules for police officers require the officers to read the "Miranda Rights" to a person as soon as he/she is arrested and accused of a crime.

Community Site Visit

This activity was an extended session with the judge of the local court. His presentation reviewed in depth the steps the police and the court follow to assure that each person charged with a crime receives a fair hearing and has all the protections guaranteed in the Bill of Rights. He discussed a number of key U.S. Supreme Court decisions which have changed state laws and practices in order to meet the requirements for due process and equal protection, as well as to give people other rights like free speech and freedom of belief.

The students had prepared questions to ask, but the discussion went far beyond those. A pamphlet on the Right to Fair Housing demonstrated how both federal and state laws work together in an area of prime concern to adults. Material about Rights on Your Job and The Rights of Elderly Persons showed how broadly the 14th Amendment has been applied by the courts and written into laws we live with in every aspect of daily life. The formula that there can be no discrimination on the basis of "race, color, religion, ancestral origin, gender, physical handicap, marital status or age" took on sharper meaning. Both tutors and students realized again what individual people have won for all Americans by using the 14th Amendment guarantees to take their cases to court.

One aspect of rights was touched on only briefly - the rights of juveniles. To answer the questions about the rights of those under 16 years of age who are charged with delinquent acts, a paper on In re Gault was sent to the tutors to use in follow-up lessons if they wished. It is included in the Appendix. There was not time to go into the matter of the rights of neglected and abused children in Juvenile Courts, but several people have expressed concern that "the Bill of Rights does not seem to protect them".

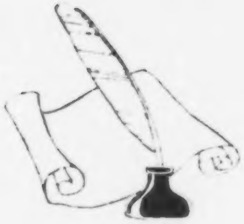
YOUR BILL OF RESPONSIBILITIES

- Think about the obligation to recognize the "citizenship" of others and their rights, regardless of their origins, gender, race, religion, politics, etc.

- Consider the obligation to pursue your own rights when you are convinced the government or its official seek to ignore or reduce them.

- Learn about volunteer groups and organizations in your area which will provide legal advice and sometimes legal assistance for people who can not afford to bring their case to the courts.

- How can people be persuaded to look at their own prejudices? Think about the song "children have to be taught to hate before they are six or seven or eight". What does that say about the responsibility of parents? And others who deal with children?



FROM A TUTOR'S JOURNAL :

The story of Rosa Parks was a good illustration of how one black woman made a difference for many others of her race. The following excerpt was readable for my student, and gave us a basis for lively discussions about various kinds of discrimination. Also we both could relate to having tired feet!

> Rosa Parks' feet ached as she walked to the Cleveland Avenue bus stop. It was 1955 in Montgomery, Alabama. She had worked at house cleaning jobs since early morning, and with many other people, was hurrying home after her hard day. When the bus arrived, all the seats were quickly taken. Some people had to stand. The state law said black people could sit only at the back of the bus, and had to give their seats to white people if the seats reserved for whites in the front of the bus were filled. Rosa sat down in the section reserved for black people, relieved to ease her tired feet. Then the bus driver ordered her and three other black people to give their seats to white people who were standing in the front. Rosa refused to get up, so she was arrested for refusing to obey the state laws.
>
> With the help of Civil Liberties Union lawyers, she took her case all the way to the U.S. Supreme Court. There the Justices declared the Alabama law did not give equal treatment to black people. They ruled it was an unconstitutional violation of the 14th Amendment.
>
> Mrs. Parks' case was one of several which started the movement to change state laws that discriminate on the basis of a person's race. Now all seats on any public transportation in every state are open for anyone.

The Voting Rights Amendments

Fifteenth Nineteenth
and Twenty-sixth
Amendments
BALLOT
BALLOT

THE FIFTEENTH AMENDMENT (1870)

Section 1: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2: Congress shall have the power to enforce this article by appropriate legislation.

Language Development Activities

(Each of the three Voting Rights Amendments which follow uses the same language, except for the people to whom it applies. Therefore, the following Language Activities may be used for all three.)

- Read through the Amendment underlining the unfamiliar words.
- With a dictionary and discussion, work out a definition of each new word, putting it into the student's own words. Add to the vocabulary box.
- Use each new word in two or three sentences.
- Re-read the Amendment for pronunciation.
  Repeat each new sound and word, and add to sound box.
- Read the Amendment again for comprehension.
  Can the student put it into his/her own words?
- Extend vocabulary with related words
    * abridge - (a verb) In this context the word means "to deprive of," or "to take away."
    * appropriate - (an adjective) A synonym would be "suitable", "fitting". In this context, it means laws which accomplish the purpose of the Amendment.
      verb form - to appropriate - means "to take"
    * entitled - means "to have a legal right."
    * intimidate - In the context of voting this means to make someone afraid to vote by threats, force or violence.
      Core word is "timid".
    * prohibit - In the context of voting this means to forbid by law.

* qualify - (a verb)This means "to meet the legal requirements needed to do something," in this case to vote.
qualification(s) - The noun means "the legal requirement(s) necessary to do something"

Shared Reading for Background

- The 15th Amendment is one of the Civil War Amendments. Many leaders, black and white, believed it was not enough to declare (by the 13th Amendment) that all slaves were free and by the 14th Amendment that they were full citizens of the United States and the state in which they lived, entitled to due process and equal protection of the laws. One of them, Frederick Douglass, a former slave, spoke for all when he said "slavery is not abolished until the black man has the ballot." Only if all black men had a clear legal right to vote could freed slaves protect themselves. Because neither the 13th nor 14th gave them that protected right, the 15th Amendment was added to the Constitution in 1870.

- Adding all the men who were former slaves to the voting lists created some very difficult problems. For example, there were some significant changes in the established political parties. At first the great majority of black voters voted for the Republican Party. That was the party of Lincoln and it had supported the War which made them free. But that made the southern white people, who had been defeated by Lincoln's armies, angry and afraid of what the new black voters would do with their new power. As time went on, their fears spread among northern white people when the former slaves migrated north to find jobs. White legislators in both southern and northern states tried different ways to limit the number of black people who could vote. For example, in some states they passed laws which said every voter had to pass a literacy test. Knowing that most of the former slaves could not read or write, an official at the voter registration desk would require them to read a difficult passage from the state Constitution. When a black man could not do that, he was told he could not vote.

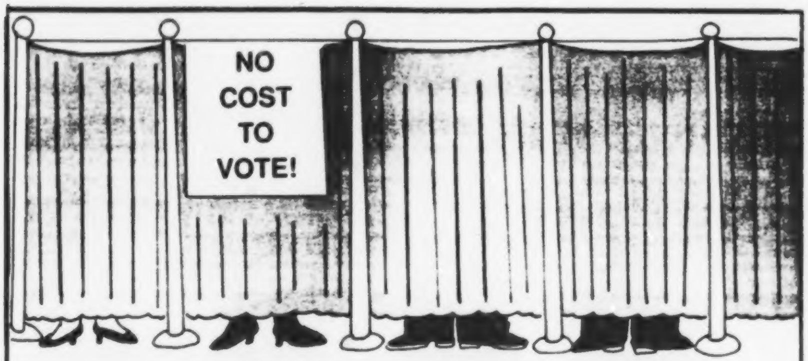
In other states, the voting laws required a man to prove he had paid taxes. When a black man could not show papers to prove he had paid a property tax, or a poll tax, he was told he could not vote.

The worst way by which some white people tried to keep black people from voting was by intimidation. With threats or force, or actual violence, some groups of white men made blacks afraid even to try to vote. The Klu Klux Klan was one such organization. It grew up in the years after the Civil War with the stated purpose of keeping blacks (and also immigrants) away from voting places by force. It took extraordinary courage on the part of black people to use their constitutional right to vote under those circumstances.

It has taken a very long time for black people, as well as some immigrants and other minorities to secure the right to vote. Gradually the ways by which they had been kept from exercising their 15th Amendment right have been prohibited by laws and by decisions of the U.S. Supreme Court.

In 1897, President Cleveland vetoed a bill of Congress which would have required a literacy test for federal elections. After that, the states one by one removed their literacy requirements.

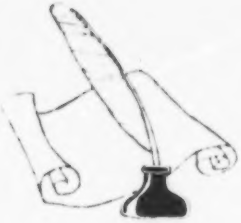
In 1964, the 24th Amendment was added to the Constitution. That prohibited every state from requiring payment of a poll tax to qualify for voting in any election to a federal office (President, Vice President, U.S. Senator, and U.S.Congressperson). Since then the states have repealed the laws which required proof that a person had paid taxes before allowing them to vote.



24th: Forbids having to pay a tax to vote. (1964)

There is still a Klu Klux Klan in the United States. It is one of the private "hate organizations" for which the great majority of Americans have no liking. But if our Constitution allows everyone the right to speak, to write, to believe, and to associate freely, there will always be groups which express ideas the majority does not agree with. The line we have drawn is that such groups or individuals may not act in ways that bring great fear or harm to others. Any of us may talk about different ideas, but committing destructive or harmful acts is forbidden by laws.

Now polling places for all voters are protected equally and are open equally to citizens of all races over the age of eighteen. Voting is one of the great privileges of United States citizens which is assured under the "equal protection" clause of the 14th Amendment. It is the way by which each of us can have a voice in choosing those who represent us in government and make the laws for our society.



THE NINETEENTH AMENDMENT (1920)

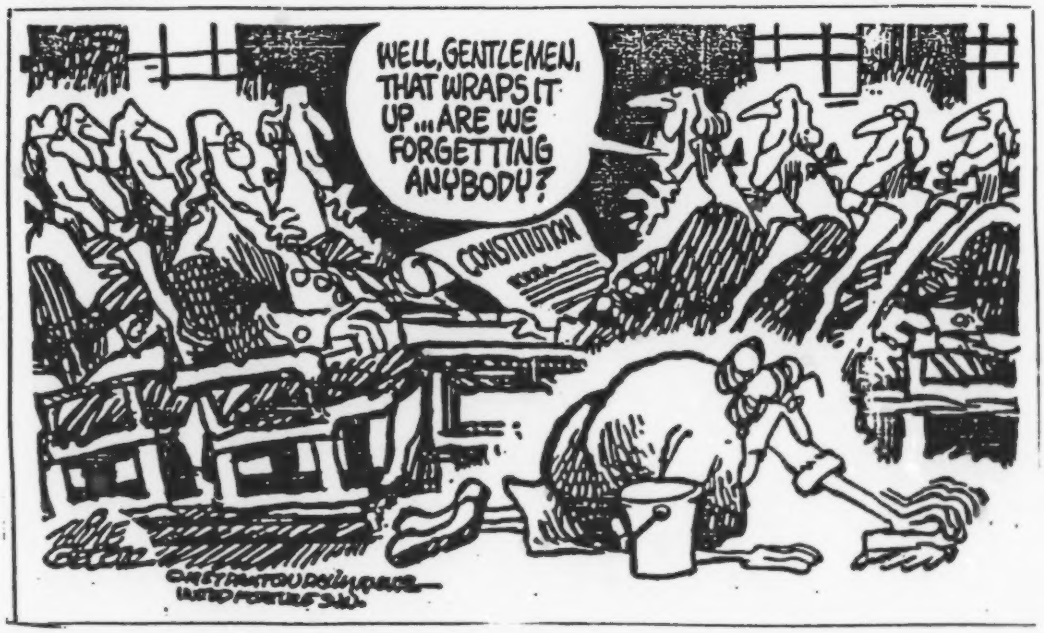
Section 1: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2: Congress shall have the power to enforce this article by appropriate legislation.

Language Development Activities (follow those outlined under the 15th Amendment)

- Extend vocabulary with related words
  * franchise - The right to vote given by law. To enfranchise a person is to give him/her a legal right to vote.
  * sex - A preferred synonym is "gender"
  * suffrage - In the context of women's struggle to secure their right to vote, this term was commonly used by all groups. The largest organization was called the National American Woman Suffrage Association. Women who were active in the struggle to obtain their right to vote were called "suffragettes".

- What does this cartoon say about the idea of women's work held by the men who wrote the Constitution in 1787?


WELL, GENTLEMEN, THAT WRAPS IT UP... ARE WE FORGETTING ANYBODY?
CONSTITUTION
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Shared Reading for Background

- About 52 % of the American people in the 1990 census were women 18 years of age or more. Almost all of them are eligible to vote. But that was not the case before 1920 when the 19th Amendment was passed. From the time of the Declaration of Independence in 1776 to 1920 none of the states gave women the right to vote in state or federal elections.

When the Constitution was written in 1787, it gave to the states the responsibility for deciding who should have the right to vote. Each state passed election laws which said only men 21 years old or more could vote in both state and federal elections; and, as each new state joined the Union after that, the legislators passed the same voting laws.

It was generally agreed that the place for women was in the home, taking care of children, the house, and the family. Women had very important work to do, but people believed that a woman should work only where she was protected by her husband or, if she was not married, by her father or some other male relative. Men, on the other hand, worked in business, in factories, in government, for example; and when public matters such as election had to be decided, their vote represented both their own interests and the interests of the women in their family.

- Women in America began trying to change those state voting laws long before the Civil War. The first meeting to work for women's rights was organized in 1848 by two teachers, Elizabeth Cady Stanton and Lucretia Mott. Called the Seneca Falls Convention, the women there issued a Declaration of Independence for Women which began with the statement "all men and women are created equal...". They also unanimously declared:"it is the sacred duty of the women of the United States of America to secure to themselves their sacred right to the election franchise."

- After the Seneca Falls Convention, many women began to hold meetings in their own towns and to send petitions to their state legislators asking that the election laws be changed to allow women to vote. In the years just before the Civil War many of those women also joined anti-slavery societies. They confidently expected that once the slaves were freed and given the right to vote, the women of America would be given the same right. But after the 15th Amendment was ratified, laws passed by Congress (for federal elections) and by the state legislatures (for state and local elections) still gave the right to vote only to men over 21 years old. Again women were shut out of the public decision-making process.

- That made leaders of the woman's suffrage groups truly angry and more determined than ever to win for all women - white and black - the right to vote. In 1869, the American Equal Rights Association was organized by Susan B. Anthony, and the National Woman Suffrage Association was organized by Elizabeth Cady Stanton. In 1890, the two organizations merged into the National American Woman Suffrage Association. Its members worked tirelessly in the states to change state voting laws and in Congress to change federal election laws. They lobbied individual legislators; they sent petition after petition to Congress and the state legislatures; they spoke at numberless meetings to explain to the public how important the right to vote for women was; and the Suffragettes marched year after year in public parades across America to make the public aware of their goal.

- They were finally successful when the 19th Amendment was ratified in 1920. Because it was now part of the U.S. Constitution, it made all the state laws which limited the franchise to men unconstitutional. In that way, in 1920, 26,000,000 American women won their right to vote; and women have been exercising ever since this right and responsibility so crucial for people in democracy.

Writing from a student journal

"In older China women do not have any say in the family. The Chinese have a saying that when a girl get married, it would be like water being thrown away. She would not have much freedom to do anything. If she would like to visit her own parents, she need to get permission from her husband's parents. If she did not give birth to a baby boy, the husband could divorce her or maybe get another wife. The woman could only blame that she was fated. If she got divorce by the husband, she would commit·suicide because she has no place to go and she usually could not go back to her own family. Her parents would blame her for bringing disgrace to the family.

"Nowdays, the Chinese women have been treated better by the Chinese society. Most of the women have education unless the family is very poor, and have many brothers and sisters. Then the older girls will not have chance to go to school.

"In China, because of over-population, it has a policy of having only one child in a family. Therefore, a lot of baby girls were murdered, or given away to strangers. In the restaurant where I work, one of the cooks told me that he had given 2 baby girls away in order to try to get a boy. His first child is a daughter and he wanted a boy to carry on his name. Because of the policy, he asked for a transfer to work in the country. He got the transfer and so he went with his wife. In the rural area the government was unable to take very serious control over the policy so his wife gave birth to two more girls, but the Chinese preferred boy so as to inherit his family name. He had to give the baby girls to two families that were strangers to him. After that, he did not see his girls any more. A last he got a boy and he asked for transfer back to his hometown. This policy is strictly enforced in the big city like Beijing. I read in the newspaper saying that the authority would send workers at night to each house to check whether there is any pregnant woman, who already have a child. If she was found to be having a second baby, the authority would force her to have an abortion. Some women were five to six months pregnant. They still have to go for the abortion. The women in China were not allowed to get marry until the age of twenty one. The government encourage the girls to get marry at the age of twenty five and above.

"The Chinese woman does not dare to have kids if she is not married. The people around her would talk about her and she would be difficult to get married.

"In the United States is different. There were a lot of women who did not get married and having children. Nobody would laugh at her. She and the kids are well protected by the government, and the male in the United States would not mind to get marry to a woman with kids. The Chinese male prefer a woman with no children, and the best if the woman is a virgin. Now, the attitude of most of the western educated Chinese male do not mind to get a wife with children."

THE TWENTY-SIXTH AMENDMENT

Section 1. The right of citizens of the United States, who are eighteen (18) years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Language Development Activities

- Follow the steps for vocabulary-building, pronunciation and comprehension outlined under the 15th Amendment.
- Extend vocabulary with related words:
  - * ballot - the official piece of paper on which a voter marks his/her choices in an election. Each ballot is then put into a ballot box or recorded by machine.
  - * candidate - noun meaning a person who is proposed for election to a public office.
  - * constituency - noun referring to all the people who live in a district which is represented by an elected official in the legislative or executive branch of government. The official or representative is accountable to all who live in his/her district, whether or not they voted for him/her. They are his/her constituents.
  - * election - noun meaning the time, or the step, when public officials are chosen by voters.

    Related words - to elect, election, electioneer, to be elected, elective, electorate.
    elective, electorate.
  - * eligible - adjective meaning fit to be elected, to be chosen, or to do a job. In government a person is eligible if he/she has the qualifications necessary for voting or for holding a public office.
  - * executive - noun referring to the President of the United States, the Governor of a State, or any person in the branch of government which carries out (executes) laws passed by the legislative branch.

    to execute, execution.
  - * legislator - an elected member of the legislative, or law-making, branch of the government. To legislate is to vote on a proposed

law.
legislature - the law-making body of any level of government.

- * lobbyist - noun meaning a person who tries to persuade legislators to vote for laws which are favorable to the interests of the lobbyist or those who employ him/her.
- * poll - the official place where voters go to cast their ballot. Means literally "to count heads."
- * qualifications - noun meaning the ability, knowledge, experience, skills, or character needed to do a particular job.
  to qualify, quality, qualified.
- * representative - noun or adjective refering to a person who speaks or acts for another person. In the United States voters elect representatives for both legislative and executive offices.
  to represent, representing
- * republic - a nation in which power rests with all citizens who elect public officials to represent them and to do for them things they can not do by themselves.

Shared Reading for Background

- In the Constitution the power to make laws about voting is divided between the U.S. Congress and the legislature in each state. The Congress writes the laws which tell who can vote for federal (or national) officials. These are the President and the Vice President of the United States, the members of the U.S. Senate, and the Representatives in the United States Congress. Each state legislature has the power to say who can vote in the state and local elections. When the two sets of laws are different, the right to vote in elections becomes confusing. Then an amendment to the Constitution is necessary to make the qualifications for voting for federal, state and local officials consistent with one another.

- From the time of the American Revolution on, both federal and state laws agreed that voters had to be at least 21 years of age. In the 1950s, however, President Dwight Eisenhower (1952-1960) spoke out for giving the right to vote to 18-year-olds. He knew from his experience as Commanding General of the Army in World War II (1940 - 1945) that young people at 18 years of age are mature and responsible enough to make the important choices every voter has to make. He said if they can be called on to fight and die for their country, they should be entrusted with the right to vote. President Richard Nixon also spoke out in favor of a constitutional amendment to lower the voting age from 21 years of age to 18, and many other public officials supported the change too.

In some states, however, there were people who wanted to keep the age for voting the same as the age for drinking alcohol - 21 years old. Finally in 1970, the 26th Amendment was proposed by Congress to settle the difference. It was ratified by the states more quickly than any other Amendment ever had been before - in just 107 days. When it was passed and the new age limit became law, about 11,000,000 Americans between 21 and 18 years of age won the right to vote.

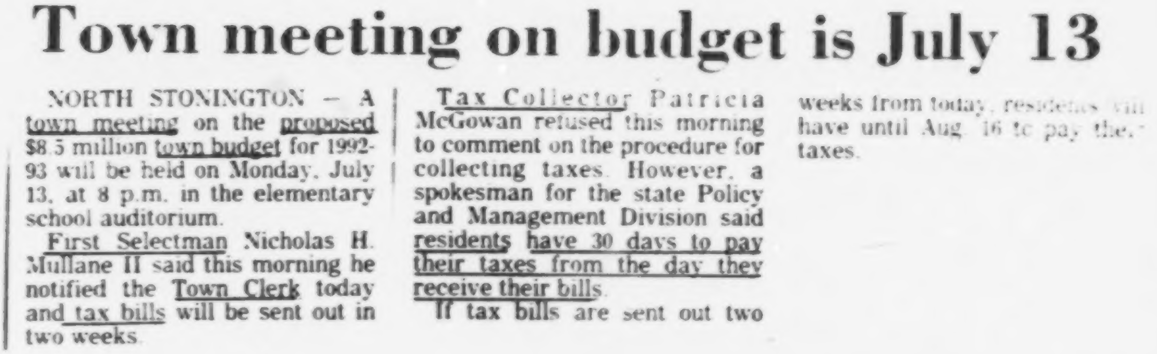
Discussion/Writing Activities

- Newspapers and magazines offer many topics of current interest. Here are some examples from a Tutor's Journal.

Lesson Plan

Date of lesson : March 9, 1992
Name of student : Wei Ning Cao
Tutors Name: Irene M. Best
Material Used : Newspaper
Objectives :

1. To help the student develop an interest in reading a newspaper.
2. To help the student develop an interest in the primary elections.
3. To help the student develop an awareness of the importance of reading and expanding his knowledge of all the presidential candidates.
4. To help the student expand his vocabulary list.
5. To help the student read for comprehension.
6. To help the student make personal, independent choices.
7. To help the student understand the importance of his vote in any election.



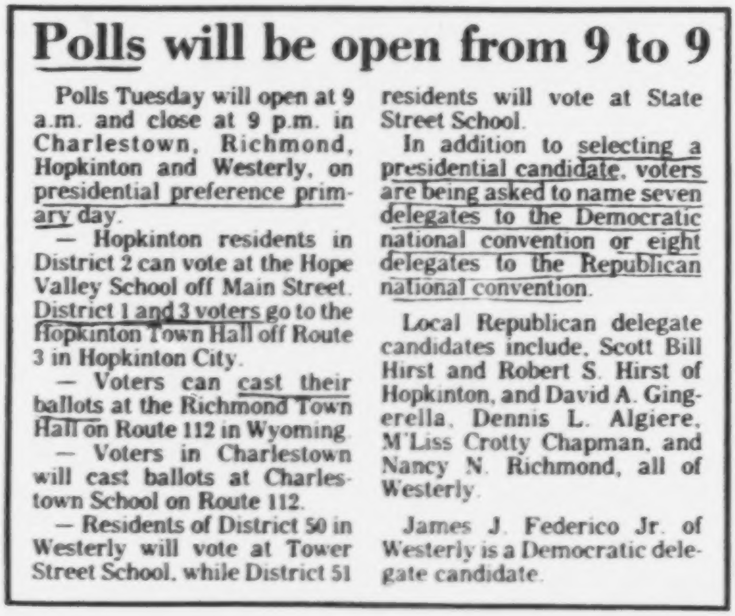
Town meeting on budget is July 13

NORTH STONINGTON — A town meeting on the proposed $8.5 million town budget for 1992-93 will be held on Monday, July 13, at 8 p.m. in the elementary school auditorium.

First Selectman Nicholas H. Mullane II said this morning he notified the Town Clerk today and tax bills will be sent out in two weeks.

Tax Collector Patricia McGowan refused this morning to comment on the procedure for collecting taxes. However, a spokesman for the state Policy and Management Division said residents have 30 days to pay their taxes from the day they receive their bills.

If tax bills are sent out two weeks from today, residents will have until Aug. 16 to pay their taxes.



Polls will be open from 9 to 9

Polls Tuesday will open at 9 a.m. and close at 9 p.m. in Charlestown, Richmond, Hopkinton and Westerly, on presidential preference primary day.

— Hopkinton residents in District 2 can vote at the Hope Valley School off Main Street. District 1 and 3 voters go to the Hopkinton Town Hall off Route 3 in Hopkinton City.

— Voters can cast their ballots at the Richmond Town Hall on Route 112 in Wyoming.

— Voters in Charlestown will cast ballots at Charlestown School on Route 112.

— Residents of District 50 in Westerly will vote at Tower Street School, while District 51 residents will vote at State Street School.

In addition to selecting a presidential candidate, voters are being asked to name seven delegates to the Democratic national convention or eight delegates to the Republican national convention.

Local Republican delegate candidates include, Scott Bill Hirst and Robert S. Hirst of Hopkinton, and David A. Gingerella, Dennis L. Algiere, M'Liss Crotty Chapman, and Nancy N. Richmond, all of Westerly.

James J. Federico Jr. of Westerly is a Democratic delegate candidate.

The material used was for Basic Reading and Comprehension.

The lesson began by my reading the first paragraph of the article, along with the title. Ning followed the words as I read. We used the dictionary for words that Ning did not understand. He then wrote the words on cards in a box for this purpose. Ning then repeated each word until he was able to use it freely. The words we discussed are underlined.

- ESL students
    - * What about the right to vote in the student's homeland? What laws protect it? Are there laws which make voting difficult? Who votes? Who does not?

    - * In America there are usually three levels of elected officials:
        - . local, such as municipal, town, or county
        - . state,
        - . federal, or national.

      How many levels are there in the homeland?

    - * In America there are often many candidates who want to be elected to an office, so the voter has to decide among several names on the ballot at an election. In the homeland do voters choose between several candidates for an office, or is there only one name on the ballot? Which way does the student prefer? Why?

    - * In America voting is a privilege, a right, and a responsibility, but no one is required to do so by law. Is voting required by law in the homeland? Is there a penalty for not voting?

    - * In America there are only two major political parties - the Democrats and the Republicans. How many major parties are there in the homeland? Do they explain to the voters what they will do if their candidates are elected?

- What do you think ?
    - * Should there be a law requiring that each voter be able to read and write in English?

    - * Should there be a law requiring every adult over 18 years of age to vote? If you think there should be, would you fine all who do not vote?

    - * What qualities do you think make a good candidate?

    - * What qualities make a good elected representative?

Community Site Visit - The Voter Registration Office

- Some words to know before the visit:
  - * political party - A group of people who share the same ideas about government and plans to solve particular public problems. A party will organize people and raise money to help the party's candidates to win an election and carry out the part's plans if they do.

  - * primary elections - the first step in elections. Members of each party vote separately to choose the candidate(s) who will represent their party on the ballot in the final election.

  - * partisan - a person who very strongly supports one side of an issue, or one of the political parties.

  - * bi-partisan - adjective meaning "the two major parties, or their representatives, support something together".

  - * controversy - discussion about a question in which more than one side is presented, or about which there are different opinions.

  - * dissent - means disagreement, usually with the opinion of the majority. A dissenter is a person who disagrees.

  - * majority means 50 % of the voters plus one; minority means less than 50 % of the voters. When the count of voters is exactly the same on both sides, it is called "a tie vote". Then more votes may be taken to break the tie into a majority and a minority, or some elected official may have the responsibility to cast a vote to end the tie.

  - * census - The Constitution requires that the U.S. Government make an official count of every person in the nation once every ten years. This census, or count, becomes the basis on which many federal and state funds are divided equally on the basis of population.

The census is also the basis on which voting districts are divided. The U.S. Supreme Court has said that the power of each person's vote must be approximately equal to that of every other person's. Therefore, in each voting district there must be approximately the same number of voters. Every ten years after a census is completed, a committee of state legislators re-draws the lines for voting districts in that state so the number of voters in all of them is nearly the same. That process is called "redistricting" or "reapportionment".

* to register to vote - Each person who wants to become a voter has to fill out a form and show proof of U.S. citizenship, age, and residence.

* referendum - noun meaning a question about a public issue which is put on the ballot for the voters to decide.
to refer, referral, reference, referee

- The Office of Voter Registration is the best source for information about qualifications for voting, schedules for elections, and explanations about polling places, ballots and referendum. The Town Clerk in charge of the local Office was pleased to explain the process of voting step-by-step during the visit, even showing the students how voting machines work and letting them practice on a sample one. She encouraged people who were not familiar with the machines to come again to practice on them and to study the ballot before casting their votes.

The group realized what a complex job it is to keep accurate records on the registered voters in a society like ours where people move so often. The census and redistricting had more meaning as they saw the older records kept by hand and the more recent ones on computer. Looking at the problems with redrawing new district lines every 10 years, and the difficulties of doing that in such a way that each person's vote will count the same as every other person's, made the tutors and students appreciate how hard public officials work to keep the voting system fair.

YOUR BILL OF RESPONSIBILITIES

- Think about the fact that each person over 18 years of age may choose to vote or not to vote in this country. It is a right which can not be taken away, but it is also a privilege. What responsibility comes from having that right and privilege?

- Think about the fact that one person's vote counts about the same as every other person's. If one person decides not to go to the polls and cast his/her ballot, is that really the same as voting?

- Consider whether voters ought to know something about the candidates and any referendum on the ballot when they go to the polls. Where could they find information? If you don't know anything at all about a candidate, should you vote for him/her or not?

- What might be some responsibilities if a person really wants to have one particular candidate elected?

Nov. 23, 199

Before the revolution

the velvet revolution

There have been in Czechoslovakia no free elections. The elections were compulsory for every person (men, women - must be at least 18 year old) During the communisms have to citizens vote only candidates of Communist Party. The elections were every 5 years ~~for~~ and have three types federal, state, local. The elections was only ~~a~~ the formal ~~thin~~ matter.

After the revolution velvet revolution

There were free elections in 1990. We could vote for candidates of more diferent political party. Majority citizens voted for the candidates of „Citizen forum" The president became Vaclav Havel.

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Election in Czechoslovakia in 1990

First free election for government in Czechoslovakia were in 1990

After Velvet revolution a lot of new and old parties made the program for future. New programs of every parties were introduc~~ing~~ed on TV and in the newspaper The members of new parties discussed about changes for future on TV every day

One week before elections every citizen got voting letters These letters contained about 30 pages. Every party had on one page the list of candidates Citizen, who want to vote hand to select the party and underlined five names of candidates. The election lasted three days and took place in a lot of buildings in every district, town and city on the same date.

„Obchianske forum" won the election The members of that party selected the president themselves Vaclav Havel became president of Czechoslovakia.

People were concerned for future of thier country. 91 % of population participated in the election

Appendix

Time Line: COLONISTS IN AMERICA RESIST INJUSTICES AND ESTABLISH INDEPENDENCE FROM ENGLAND

1760s - 1773
Taxation without representation

King George III of England tries to get colonists to pay his debts by taxing everything they need for home and business. He requires them to buy only English products. Colonists have no voice in Parliament. They decide to refuse to use or buy English goods. This boycott made the king stop taxing all goods - except tea.

1774 - The Boston Tea Party

Colonists dressed as Indians throw 342 chests of tea into Boston harbor to show the king how angry they are about the tea tax. Merchants are going out of business because tax makes tea to expensive for colonists to buy.

1775 -Intolerable acts

King George III decides to punish Boston and cut Massachusetts off from the rest of the colonies. But instead of being afraid, the colonists become angry and unite. Representatives from the 13 colonies meet and form the first Continental Congress. They work for colonial rights, self-government and send complaints to the king. But not all the colonists want independence. Tories are those still loyal to the king.

1775 - 1776
The Battle of Lexington and Concord

Paul Revere and William Dawes ride to warn patriots that the British are marching to Concord and are looking for John Hancock and Samuel Adams.

The Battle of Bunker Hill is fought and the second Continental Congress votes to form an army with George Washington as leader and makes a last try to stop war with England.

1776 - 1777
The Declaration of Independence

Written by Thomas Jefferson, it tells the world what rights people should have, how the king violated these rights and that the United States of America is a free and independent country. Congress talks it over and signs it on July 4, 1776. John Hancock's was the first and largest signature.

1777 - 1778
Stars and Stripes

Congress adopts this version of the flag as the official flag of the United States.

Valley Forge

The Army half starves during this winter. George Washington shares suffering of his soldiers.

John Paul Jones, our first naval hero, flies the new American flag on his ship, the Bonhomme Richard, when he defeats the British ship, Scarpis.

Battle of Yorktown

The war is over in 1781. America wins!

Treaty of Paris

In 1781, the official peace documents between England and the United States were signed in Paris.

STATE	ENTERED THE UNION	CAPITAL
Delaware b	Dec. 7, 1787	Dover
Pennsylvania *	Dec. 12, 1787	Harrisburg
New Jersey *	Dec. 18, 1787	Trenton
Georgia o	Jan. 1, 1788	Atlanta
Connecticut *	Jan. 9, 1788	Hartford
Massachusetts *	Feb. 16, 1788	Boston
Maryland b	Apr. 28, 1788	Annapolis
South Carolina o	May 23, 1788	Columbus
New Hampshire *	June 21, 1788	Concord
Virginia o	June 25, 1788	Richmond
New York *	July 26, 1788	Albany
North Carolina o	Nov. 21, 1789	Raleigh
Rhode Island *	May 29, 1790	Providence

****

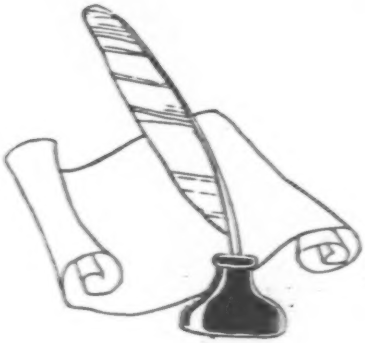
Vermont *	Mar. 4, 1791	Montpelier
Kentucky b	June 1, 1792	Frankfort
Tennessee o	June 1, 1796	Nashville
Ohio *	Mar. 1, 1803	Columbus
Louisiana o	Apr. 30, 1812	Baton Rouge
Indiana *	Dec. 11, 1816	Indianapolis
Mississippi o	Dec. 16, 1817	Jackson
Illinois *	Dec. 3, 1818	Springfield
Alabama o	Dec. 14, 1819	Montgomery
Maine *	Mar. 15, 1820	Augusta
Missouri b	Aug. 10, 1821	Jefferson city
Arkansas o	June 15, 1836	Little Rock
Michigan *	Jan. 26, 1837	Lansing
Florida o	Mar. 3, 1845	Tallahassee
Texas o	Dec. 2, 1845	Austin
Iowa *	Dec. 28, 1846	Des Moines
Wisconsin *	May 29, 1848	Madison
California *	Sept. 9, 1850	Sacramento
Minnesota *	May 11, 1859	St. Paul
Oregon *	Mar. 14, 1859	Salem
Kansas *	Jan. 24, 1861	Topeka
West Virginia b	June 20, 1863	Charleston
Nevada *	Dec. 31, 1864	Carson City

****

Key to symbols:

*	states which fought on the Union side in the Civil War
o	states which fought on the Southern side in the Civil War (the Confederate States)
b	border states in which people were divided between supporters of the Union and supporters of the Confederate States

Nebraska	Mar. 1, 1867	Lincoln
Colorado	Oct. 1, 1876	Denver
North Dakota	Nov. 2, 1889	Bismark
South Dakota	Nov. 2, 1889	Pierre
Montana	Nov. 11, 1889	Helena
Washington	Dec. 11, 1889	Olympia
Idaho	July 3, 1890	Boise
Wyoming	July 10, 1890	Cheyenne
Utah	Jan. 4, 1896	Salt Lake City
Oklahoma	Nov. 16, 1907	Oklahoma City
New Mexico	Jan. 6, 1912	Santa Fe
Arizona	Feb. 14, 1912	Phoenix
Alaska	Jan. 3, 1959	Juneau
Hawaii	Aug. 21, 1959	Honolulu



Bill of Responsibilities

Preamble. Freedom and responsibility are mutual and inseparable; we can ensure enjoyment of the one only by exercising the other. Freedom for all of us depends on responsibility by each of us. To secure and expand our liberties, therefore, we accept these responsibilities as individual members of a free society:

To be fully responsible for our own actions and for the consequences of those actions. Freedom to choose carries with it the responsibility for our choices.

To respect the rights and beliefs of others. In a free society, diversity flourishes. Courtesy and consideration toward others are measures of a civilized society.

To give sympathy, understanding and help to others. As we hope others will help us when we are in need, we should help others when they are in need.

To do our best to meet our own and our families' needs. There is no personal freedom without economic freedom. By helping ourselves and those closest to us to become productive members of society, we contribute to the strength of the nation.

To respect and obey the laws. Laws are mutually accepted rules by which, together, we maintain a free society. Liberty itself is built on a foundation of law. That foundation provides an orderly process for changing laws. It also depends on our obeying laws once they have been freely adopted.

To respect the property of others, both private and public. No one has a right to what is not his or hers. The right to enjoy what is ours depends on our respecting the right of others to enjoy what is theirs.

To share with others our appreciation of the benefits and obligations of freedom. Freedom shared is freedom strengthened.

To participate constructively in the nation's political life. Democracy depends on an active citizenry. It depends equally on an informed citizenry.

To help freedom survive by assuming personal responsibility for its defense. Our nation cannot survive unless we defend it. Its security rests on the individual determination of each of us to help preserve it.

To respect the rights and to meet the responsibilities on which our liberty rests and our democracy depends. This is the essence of freedom. Maintaining it requires our common effort, all together and each individually.

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to pay an excessive bail in order to stay out of jail before his/her trial. The purpose of bail is to insure that a person will show up in court for his/her trial. It is set by judge in a "Bail Hearing" after a person is "arraigned" (told in court what illegal acts he/she is accused of committing and allowed to plead guilty or not guilty).

- a judge, when he/she sentences a person who has been proven guilty by a trial, can not impose excessive fines, or cruel and unusual punishments. (Fines and punishments for specific crimes are part of the law which defines a crime. They are usually given in a range, such as a fine up to $1,000, or a prison term of 3 to 5 years, for example. A judge may not deviate from the ranges stated in the law.)

POINTS TO EMPHASIZE:

- Though the Constitution does not say so, a person who is accused of a crime is presumed INNOCENT UNTIL PROVEN GUILTY BY A COURT OF LAW
- A trial is a contest between rivals each of whom is trying to prove to an impartial group of people that his/her version of the facts is true. This is called an "adversarial process" for arriving at the truth. It developed in contrast to the "inquisitorial process" in which the judge(s) have already decided guilt (or innocence), and then use the powers of the court to extract confessions (often by torture) and to punish.

These Amendments in the U.S. Constitution at first applied due process requirements only to federal courts and federal officers. They did not apply to state courts.

The 14th Amendment in 1868 said the states also must follow the due process requirements:

> "... nor shall any State deprive any person of life, liberty or property, without due process of law."

It took a long time, however, and many decisions by the U.S. Supreme Court to enforce due process requirements in all the state courts, or even to decide exactly how they must be applied. Processes due to people accused of a crime which would insure fundamental fairness was a high priority of the U.S. Supreme Court while Earl Warren was Chief Justice ("The Warren Court"). Now the "takings clause" in the 5th Amendment appears to be a concern of the current Justices. The details of what constitutes due process and the standards which all public officials must meet in their dealing with citizens will continue to be a matter of concern and of interpretation as circumstances and the needs of people change ... The commitment to fundamental fairness for everyone, however, will remain the same, and so will the responsibility of each person to speak out when they believe they have not been treated fairly, in accordance with the law.

CONSTITUTIONAL RIGHTS FOR JUVENILES UNDER THE DUE PROCESS CLAUSE OF THE 14th AMENDMENT

Established by the U.S. Supreme Court in the case **IN RE GAULT,**1967

Background facts

On a hot June morning in 1964, in Gila County, Arizona, a resident named Mrs. Cook called to report to the police that she had received an obscene phone call. The call was traced to the neighboring home of the Gaults. The sheriff drove immediately to the house, where he found two teenage boys, Gerald Gault and his friend Ronald Lewis, at home alone. Mr. and Mrs. Gault were both at work. Although the sheriff took the two boys into custody and drove them to Juvenile Detention Center, he left no notice of this at the Gault home.

Because Gerald and Ronald were only 15, they were held as juveniles. Gerald was already on 6 months probation for the delinquency charge of "being in the company" of a boy who had stolen a wallet from a lady's purse.

That evening when she came home from work, Mrs. Gault learned of Gerald's whereabouts from the Lewis family and went to the Juvenile Detention Center. A probation officer there told her why Gerald was being held and told her a hearing would be held at the Juvenile Court the next day, June 9th.

The Probation Officer filed a formal petition against Gerald on the day of the hearing. It simply said that Gerald was under the age of 18 and therefore within the jurisdiction of the Juvenile Court, and charged him with being "a delinquent minor." The petition stated no facts or reasons why Gerald was charged, nor what his "delinquent act" was, and the charge was not made known to Mr. and Mrs. Gault. No record was kept of the proceedings at this hearing. The judge asked questions about the phone call, but there was a conflict in the testimony. Gerald's mother, who was present at the hearing, recalled that Gerald told the judge that he only dialed Mrs. Cook's number and then handed the phone to his friend Ronald. He said that Ronald had made the lewd remarks. The probation officer, however, said he recalled that Gerald "admitted making one of the obscene statements." Mrs. Cook, who brought the complaint against Gerald, was not present at the hearing.

On June 12th Gerald was released from the Detention Center. No reason was given for his having been detained -- or for his release. That same day Mrs. Gault received a note signed by the probation officer. It notified her of the date and time for "further hearings on Gerald's delinquency," but gave no other information.

At the second hearing on June 15th, there was again conflict in the testimony. Gerald's parents insisted that he had merely dialed the number, and that Ronald had made the remarks. Again Mrs. Cook was not present. When Mrs. Gault asked that Mrs. Cook be brought to the Court to identify which boy had made the remarks, the judge replied that she "didn't have to be present at the hearing." At the conclusion of the hearing, the judge committed Gerald as a "juvenile delinquent" to the State Industrial School "for the period of his minority, unless sooner discharged by due process of law," This order committed Gerald, age 15, to reform school for 6 years, until he was 21 years old. If Gerald had been over 18, and had been tried as an adult in a regular criminal court for making an obscene phone call, the maximum penalty under Arizona law would have been a fine of $5 to $50 or imprisonment for not more than 2 months.

Up to this time the Gaults had not had the benefit of advice from a lawyer at either of the hearings.

An appeal was not permitted by Arizona law in juvenile cases at that time. So Gerald's parents filed a petition for a writ of habeas corpus (an order requiring a prisoner to be brought before a judge to determine whether he is being legally held). The Arizona Supreme Court referred the writ to a State Superior Court for hearing. At this hearing the Juvenile Court judge for Gerald's case was questioned. He testified that he had found Gerald to be delinquent because he was "habitually involved in immoral matters." As grounds for this conclusion, the judge declared that 2 years earlier Gerald had stolen a baseball glove from another boy and had lied to the police about it. The judge also said that Gerald had admitted making other nuisance calls. Gerald had said these were "silly calls or funny calls, or something like that." At this hearing before the State Superior Court the judge relied only upon his own recollections of Gerald's hearings on June 9th and June 15th since no transcript of testimony or record of evidence was made at either of those hearings, and no memorandum on the substance of the proceedings had been prepared.

The State Superior Court ruled against the Gaults on the writ of habeas corpus, so they asked for a review by the Arizona Supreme Court. Here the Gaults claimed that under the Juvenile Code of Arizona they had been denied "due process of law guaranteed in the 5th and the 14th Amendments." They gave the following reasons :

1. They had not been given proper notice of the first hearing or of the specific charges against their son.
2. They had not been given sufficient time to prepare a defense for either of the Hearings (June 9, June 15).
3. They had not been informed of their right to have an attorney at the hearings.
4. They had not been told of their right to confront and cross-examine witnesses, and the judge had denied them an opportunity to confront Mrs. Cook at the hearing on June 15th when they requested that she be brought in. Furthermore, Gerald was not told of his right to remain silent.
5. No transcript was kept of the court proceedings at either

hearing, and they had not been told of their right to have one.
6. They had not been told of their right to a habeas corpus review.

The Supreme Court of Arizona replied that Juvenile Court procedures under Arizona law, as in other states, provided "for less than the full set of due process protections guaranteed for adults when charged with crime." The judges ruled against the Gaults, therefore, saying that the informal Juvenile Court proceedings represented an "effort to substitute protection and guidance for punishment, to withdraw the child from criminal jurisdiction", and to provide him "individualized justice". Such informality, said the Supreme Court of Arizona, "merely authorizes the Juvenile Court to disregard technical matters of procedure not affecting the fundamental right to due process of law." The Court stated that Arizona juvenile law included such due process elements as any child was entitled to in a Juvenile Court, and that the purpose of the Juvenile Code was to "redirect and rehabilitate the child".

After the Arizona Supreme Court ruled against the Gaults, they appealed their case to the U.S. Supreme Court on the basis of the due process guarantees under the 5th and 14th Amendments. Justice Abe Fortas wrote the opinion for the U.S. Supreme Court. After reviewing the history and philosophy of Juvenile Courts since 1890, the decision states, "Under our Constitution, the condition of being a boy of 15 does not justify a kangaroo court." Justice Fortas then defined the processes due to juveniles when charged with a delinquent act (an act which if done by an adult would be a crime):

1. Adequate and specific notice of charges, with time to prepare a defense.
2. The right to counsel - meaning the right to be told that they may have an attorney at all stages of the proceedings. (Later cases have ruled that the state must provide a lawyer if the family can not afford one.)
3. The right to confront and cross examine witnesses.
4. The right to remain silent. There may be no self-incrimination, or pressure on a child to admit the wrong-doing.
5. The right to have a transcript made of the court proceedings which is available to the child, his/her attorney, and the parents.
6. The right to appeal the decision of Juvenile Court to a higher court.

NOTE: Juveniles do NOT have:

1. the right to a public trial. All juvenile hearings are confidential - to protect the child.
2. the right to trial by a jury of peers
3. in most cases, the right to bail.

Juveniles DO have some protection against cruel and unusual punishments as guaranteed in the 8th Amendment. For example, parents may punish their child as they see fit - but that is increasingly regulated under state Child Abuse Prevention laws. Public school officials also have some leeway to do as they see fit, as decided in the case of Ingraham v.Wright, but punishments of children in school are likewise limited by state laws and by School Board polices.

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This Manual was produced in cooperation with
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assistance with editing ...... Robert Driscoll

assistance with typing .... Mary C. Burke
Maria Lamerova
D'Ann Sullivan

assistance with design .... Loraine Byrne

Illustrations from THE BILL OF RIGHTS AND BEYOND,
a poster from The Mini Page, Betty Debman, c1991
Universal Press Syndicate.

Printed by AGJO Printing Service
Pawcatuck, Connecticut

Literacy Volunteers of America-Washington County, Inc.
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Westerly, RI 02891

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